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National institutions for the promotion and protection of human rights

Report of the Secretary-General

Summary

The present report, covering the period from July 2003 through July 2005, contains information on the activities undertaken by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to establish and strengthen national human rights institutions (NHRIs); the measures taken by Governments and NHRIs in this regard; the support provided to regional activities of NHRIs; and the consultations held by treaty bodies and special mechanisms of the Commission on Human Rights with NHRIs. Information regarding the work of NHRIs in respect of specific thematic issues is also included. More information on initiatives and assistance provided to NHRIs can be found in the OHCHR reports on the programme of advisory services and technical assistance in the field of human rights, the activities of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights as well as in the thematic and country reports of the special procedures mandate holders of the Commission on Human Rights.

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I. Introduction

1. The present report, prepared pursuant to paragraph 22 of General Assembly resolution 58/175 of 22 December 2003, covers activities for the period from July 2003 through July 2005, and complements the annual reports of the Secretary-General to the Commission on Human Rights during that period (E/CN.4/2004/101 and E/CN.4/2005/106). Information on ways and means of enhancing the participation of national human rights institutions (NHRIs) in the work of the Commission and its subsidiary bodies may be found in the Secretary-General's report (E/CN.4/2005/107). Documents dealing with the events noted in the present report may be found on the NHRIs forum website (www.nhri.net).

II. Office of the United Nations High Commissioner for Human Rights and national human rights institutions

2. In his report "Strengthening of the United Nations: an agenda for further change", the Secretary-General underlined that the capacity of the United Nations to help individual countries to build strong human rights institutions will be strengthened. "Building strong human rights institutions at the country level is what in the long run will ensure that human rights are protected and advanced in a sustained manner. The emplacement or enhancement of a national protection system in each country, reflecting international human rights norms, should therefore be a principal objective of the Organization. These activities are especially important in countries emerging from conflict" (A/57/387, para. 50).

3. During the reporting period the Office of the United Nations High Commissioner for Human Rights (OHCHR) has sought, through a wide range of activities, to heighten its commitment to supporting the Secretary-General within his Action II programme in the building of strong NHRIs at the country level and ensuring effective engagement by all parts of the United Nations with NHRIs through the National Institutions Unit (NI Unit), located within the Capacity-Building and Field Operations Branch of OHCHR.

4. OHCHR has been in contact with over 100 institutions through the provision of advice and information on activities and issues which might assist them in participating in various forums. In order to address the rapidly increasing number of NHRIs, which is commensurate with the expansion of their sphere of activities at the national, regional and international levels, as well as of the interest in their work, the NI Unit has been strengthened with new staff members as of January 2005. To further increase the overall technical cooperation programme on NHRIs, OHCHR continued to expand its roster of consultants and experts/practitioners on NHRIs.

5. OHCHR accords priority to the establishment and strengthening of NHRIs with due regard to the relevant international standards (the Principles relating to the status of national institutions for the promotion and protection of human rights, the Paris Principles adopted by the General Assembly in 1993), works for the improvement of United Nations systemwide coordination in the work of NHRIs, and supports increased participation by NHRIs in appropriate United Nations human rights and other international forums. OHCHR encourages the sharing of best practices among NHRIs and facilitates their access to relevant information, round

tables, seminars, workshops and training activities. OHCHR also supports the strengthening of their regional networks.

6. The United Nations High Commissioner for Human Rights attaches great importance to the role that NHRIs play in translating international human rights norms into laws, policies and practices that ensure respect for human rights at the local level. NHRIs are seen not only as institutions to which assistance may be provided, but also as partners that can impart knowledge, including to the United Nations. NHRIs are increasingly being recognized by the international community as mechanisms that are essential to ensuring respect for and effective implementation of international human rights standards at the national level.

A. Advisory services

7. OHCHR has undertaken to strengthen the role of NHRIs at both the global and country level through the work of the NI Unit, which has become an integral part of supporting the national human rights promotion and protection system. At their request, tailored advice is provided to a growing number of countries on an appropriate constitutional or legislative framework regarding new NHRIs and on the nature, functions, powers and responsibilities of such institutions; comparative analyses; technical cooperation needs assessments; project formulation and evaluation missions are also undertaken. Training activities are addressed to OHCHR colleagues, regional representatives, United Nations country teams (UNCTs), United Nations agencies and programmes, non-governmental organizations (NGOs) and other OHCHR partners, which are in turn able to address a number of specific issues concerning NHRIs within various countries and regions. OHCHR carries out joint activities with such organizations as the Secretariat of the Commonwealth, the Agence intergouvernementale de la Francophonie, the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE).

8. During the reporting period, OHCHR has provided advice and information on activities and issues which might assist NHRIs, including in relation to constitutional provisions, enabling legislation, comparative legislation, advisory missions and rules and regulations relating to institutions in Afghanistan, Armenia, Albania, Angola, Bangladesh, Belgium, Burkina Faso, Burundi, Cameroon, China, Colombia, Comoros, the Congo, Côte d'Ivoire, Cyprus, the Democratic Republic of the Congo, Djibouti, Egypt, Greece, Iraq, Japan, Jordan, Kazakhstan, Kenya, Lesotho, Liberia, Maldives, Mauritania, Nepal, the Netherlands, Niger, Norway, Pakistan, Qatar, Saudi Arabia, Serbia and Montenegro, Sierra Leone, Slovenia, Sri Lanka, the Sudan, Thailand, Togo, the former Yugoslav Republic of Macedonia, Turkey, Timor-Leste, the United Kingdom of Great Britain and Northern Ireland and Uzbekistan. The NHRIs of Afghanistan, Mongolia, Nepal, the Occupied Palestinian Territories, Rwanda and Zambia have benefited from the programmes of support provided by the NI Unit, often in collaboration with the United Nations Development Programme (UNDP). Particular attention was devoted to new NHRIs, or those being established, in Angola, Comoros, Côte d'Ivoire, the Democratic Republic of the Congo, the Sudan, Turkey and Pakistan.

B. Support to international initiatives

1. International Coordinating Committee of National Institutions and its Accreditation Subcommittee

9. The NI Unit, in its capacity as secretariat of the International Coordinating Committee of National Institutions (ICC) and its Accreditation Subcommittee, provided substantive support and facilitated the holding of the fourteenth and sixteenth sessions of ICC in Geneva, in parallel to the Commission on Human Rights. They were attended by over 50 NHRIs. The fifteenth session of ICC was held in September 2004 in Seoul prior to the seventh International Conference of NHRIs.

10. To date, ICC has accredited 51 NHRIs deemed to be in compliance with the Paris Principles, with the number increasing annually (1999: 15; 2000: 26; 2001: 32; 2002: 40; 2003: 45; 2004: 50). The NI Unit has worked closely with ICC to strengthen its accreditation procedures. While at present, accreditation is granted for an indefinite period, the Chairperson of ICC or members of the Subcommittee may review an institution's accreditation if, in their opinion, it appears that the circumstances of any member of the group of NHRIs may have changed in a way that affects its compliance with the Paris Principles. ICC adopted the rules of procedure of its Accreditation Subcommittee at its fifteenth session while a paper on early warning mechanisms, submitted by the secretariat, was approved during its last meeting in April 2005.

2. Seventh International Conference of National Human Rights Institutions

11. The seventh International Conference of NHRIs was held in Seoul from 14 to 17 September 2004, hosted by the National Human Rights Commission of the Republic of Korea and co-organized with ICC and OHCHR, with the financial support of the Asia Pacific Forum of National Human Rights Institutions (APF) and the Agence intergouvernementale de la Francophonie. The Conference was attended by over 100 NHRI representatives worldwide. For the first time an NGO Forum was held prior to the International Conference, with international and local NGOs participating as observers throughout the Conference. The overall theme of the Conference was "Upholding human rights during conflict and while countering terrorism". The eighth International Conference of National Human Rights Institutions is planned to be held in the Americas in 2006.

12. In follow-up to the seventh International Conference, ICC agreed to create a small working group with at least one representative from each region to ensure a sound follow-up to the commitments made at Seoul (see E/CN.4/2005/106, annex I), based on feedback from a questionnaire provided to all NHRIs. The NI Unit is preparing a compilation of declarations adopted by NHRIs since 1993 and a stocktaking of action taken.

3. United Nations bodies

(a) Commission on Human Rights

13. The NI Unit assisted NHRIs during their participation at the sixtieth and sixty-first sessions of the Commission on Human Rights. In 2004, a document series was launched (E/CN.4/2004/NI/...) allowing NHRIs to submit documents for

consideration by the Commission under their own symbol numbers, as at the 1993 World Conference on Human Rights (A/CONF.157/NI/...).

14. During its last session ICC held a thematic discussion on the role of NHRIs in the Commission on Human Rights and other United Nations bodies on the basis of the Secretary-General's report (E/CN.4/2005/107). A note by the Secretariat had been sent to all NHRIs for comments prior to the issuance of that report.

15. One of the objectives of OHCHR is to assist in efforts to strengthen the role and participation of NHRIs accredited in accordance with the Paris Principles in international forums. In this regard, the Commission on Human Rights in resolution 2005/74 requested the Chairperson of the sixty-first session, in consultation with all relevant stakeholders, to finalize, by the sixty-second session, the modalities for: (a) permitting NHRIs that are accredited by the ICC Accreditation Subcommittee under the auspices of OHCHR, and coordinating committees of such institutions, to speak, as outlined in the Secretary-General's report, within their mandates, under all items of the Commission's agenda and supporting their engagement with all the subsidiary bodies of the Commission; and (b) continuing the practice of issuing documents from NHRIs under their own symbol numbers.

(b) Subcommission on the Promotion and Protection of Human Rights

16. Since 2003 the Subcommission on the Promotion and Protection of Human Rights has specifically permitted NHRIs to make one statement per agenda item on the same basis as NGOs.

(c) Commission on the Status of Women

17. The Australian Human Rights and Equal Opportunity Commission prepared a paper for the ninth annual meeting of the APF on "The role of NHRIs in the United Nations Commission on the Status of Women", which was transmitted to the fifteenth session of ICC for consideration. At present, NHRIs do not have standing in their own right in the Commission, thus making it necessary for NHRIs to participate in its sessions as part of their Government's delegation.

(d) Information and training activities

18. Since 2003 the NI Unit has maintained, with the support of the Danish Institute for Human Rights, a website on NHRIs (www.nhri.net). The site, which is linked to all existing NHRI websites and the OHCHR web page, includes information on country and thematic issues of interest to NHRIs. Furthermore, a database of comparative analysis of procedures and methods of complaint-handling by NHRIs, as well as a news alert, sent out by e-mail to all interested parties, were launched in 2004.

19. Training modules and materials are being finalized with OHCHR partners. These include a CD-ROM compilation of NHRI-related constitutional provisions and legislation and their annual reports, a CD-ROM-based training module for UNCTs on NHRIs and an update of the publication *National Human Rights Institutions: A Handbook on the Establishment and Strengthening of National Institutions for the Promotion and Protection of Human Rights*.

20. Based on consultations with NHRIs, OHCHR is finalizing, in cooperation with the International Council on Human Rights Policy, measurement indicators regarding the effectiveness of NHRIs and their compliance with the Paris Principles.

21. The NI Unit addressed the OHCHR-Inter-Parliamentary Union seminar "Strengthening Parliament as a guardian of human rights: the role of parliamentary human rights bodies", held in Geneva from 15 to 17 March 2004.

C. Support to regional initiatives

22. The NI Unit provides financial and substantive support to the regional secretariats of NHRIs, in cooperation with the OHCHR geographic units and regional representatives, a partnership strategy vis-à-vis NHRIs which emphasizes the establishment and strengthening of regional networks.

1. The Americas and the Caribbean

(a) Network of National Human Rights Institutions of the Americas

23. The NI Unit provided financial and substantive support to the third General Assembly of the Network of National Institutions of the Americas, held in Buenos Aires from 9 to 11 June 2004, in cooperation with the Defensoría del Pueblo de la Nación of Argentina, and to the fourth annual meeting of the Network, held in Geneva on 12 April 2005 in parallel with the meeting of the Special Fund for the Ombudsman and National Institutions in Latin America and the Caribbean.

24. The third General Assembly was preceded by a seminar on the prevention of torture organized in cooperation with the Association for the Prevention of Torture. The seminar and the Assembly were attended by representatives of the 13 members of the Network, a representative of the Caribbean Ombudsman Association and representatives of NGOs. Representatives of the Government and the civil society of countries in the region that do not have a national institution (Brazil, Chile and Uruguay) were invited for the first time.

(b) Caribbean Ombudsman Association

25. The NI Unit provided support to the third Regional Conference of the Caribbean Ombudsman Association, held in Jamaica from 10 to 14 May 2004, through the participation of the former Secretary-General of Canada's Human Rights Commission, who spoke on the Paris Principles and the importance of Ombudsman's offices having a human rights mandate.

(c) Workshops and training

26. OHCHR supported the Network's Workshop on Security and Human Rights held in Cartagena, Colombia, on 2 and 3 September 2003, with the participation of the OHCHR focal point on terrorism.

27. From 3 to 5 March 2004, the NI Unit supported a training initiative for NHRIs on the human rights of indigenous peoples organized by the Network, held in Mérida, Mexico. An expert from OHCHR addressed participants on the international framework for the promotion and protection of the human rights of indigenous peoples. At its third Annual Meeting in June 2004, the Network of the

Americas agreed to create a working group to follow up on the recommendations of the workshop.

28. As a follow-up to the Zacatecas round table (see E/CN.4/2005/106, annex III and section on migration below), OHCHR contributed financially and substantively to the International Seminar on "Illicit Trafficking of Migrants, Human Rights and National Institutions" held in Campeche, Mexico, on 10 and 11 March 2005, organized by the Network, the Human Rights Commission of the State of Campeche and the Special Fund for the Ombudsman and National Human Rights Institutions in Latin America and the Caribbean. Representatives from NHRIs of the region and experts from Canada and Spain, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), the International Labour Organization (ILO) and the International Organization for Migration (IOM) attended the seminar. The conclusions of the seminar refer to areas requiring additional attention by authorities as well as commitments from the NHRIs to address irregular migration, smuggling and trafficking.

2. Africa

(a) Coordinating Committee of African National Human Rights Institutions

29. The NI Unit provided support to the meeting of the Coordination Committee of African Human Rights Institutions (CCANI), held on 12 April 2005 in parallel to the ICC meeting. The participants also welcomed the members of the OHCHR Africa Unit, who introduced their activities.

30. As the three-year term of the South African Human Rights Commission as host of the CCANI Secretariat was coming to an end in August 2005, the members agreed unanimously that Kenya should host the Secretariat, clarifying that it would not be under the direction of the Kenya National Commission on Human Rights per se but remain accountable to CCANI as a whole. The CCANI Task Force (composed of Kenya, Morocco, Niger, Rwanda, South Africa and Uganda) was requested to initiate the drafting of the statute of the Secretariat in cooperation with OHCHR and ICC.

31. The members agreed by consensus that the fifth Regional Conference of African NHRIs would be held in Nigeria in early November 2005, with economic, social and cultural rights as the main focus. OHCHR will financially and substantively support the CCANI Secretariat and the fifth Regional Conference.

(b) African Union Conference of National Human Rights Institutions

32. The African Union, in cooperation with OHCHR and CCANI, organized the first African Union Conference of NHRIs in Addis Ababa from 18 to 21 October 2004. The objectives of the Conference were to encourage States that had not yet established NHRIs to do so, exchange ideas between existing NHRIs and identify areas where NHRIs could improve their work, and identify mechanisms for implementing existing African human rights instruments.

(c) Workshops and training

33. A pilot distance training on monitoring and investigation of human rights violations for NHRIs in Africa, based on a combination of a CD-ROM/tutor-based training programme developed by the South Africa/United Kingdom-based NGO Fahamu, in cooperation with OHCHR, concluded successfully in 2004. A workshop co-hosted by the National Human Rights Commission of Kenya, bringing together all course participants to share experiences and best practices, was held in Nairobi from 6 to 8 May 2004.

34. The NI Unit participated in a seminar on NHRIs in Africa, conflict resolution and peacebuilding organized by the Human Rights and Conflict Management Programme of the Centre for Conflict Resolution in Cape Town, South Africa, from 29 November to 3 December 2004.

35. A training workshop for the Zambian National Human Rights Commission was organized in July 2004 by OHCHR and UNDP to bring the participants to a common level of understanding on the role of NHRIs.

36. Upon invitation by UNDP, the NI Unit participated in an assessment mission of the National Human Rights Commission of Rwanda undertaken by an independent consultancy team. The goal of the UNDP-initiated mission, held in March and April 2005, was to formulate a second phase of support to the Commission, based on the first OHCHR-funded project, "Capacity-building of the Rwandan Human Rights Commission".

37. OHCHR is actively engaged with the Human Rights Office in Angola in working with the Government towards the development of the Provedor de Justiça and the drafting of its enabling legislation in accordance with the Paris Principles.

38. The NI Unit is working with the United Nations Mission in Sudan (UNMIS) to support the establishment of a national institution. The Unit has twice provided comments on the draft legislation and drafted a NHRI project which is expected to be included in the UNMIS global human rights project. Further support is envisaged.

39. The Unit has engaged with UNDP in Djibouti, Mauritania and Comoros, the United Nations Mission in Sierra Leone, the United Nations Mission in Liberia, the United Nations Operation in Burundi and the OHCHR Subregional Centre for Human Rights and Democracy in Cameroon with a view to initiating strategies to support the establishment of NHRIs in the respective countries.

3. Asia and the Pacific

(a) Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region

40. OHCHR facilitated the participation of NHRIs in the twelfth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, held in Doha, from 1 to 4 March 2004. In its conclusions the workshop identified as main objectives that States should cooperate with the participating NHRIs and continue to make available, upon request, technical cooperation and advisory services to support the establishment and strengthening of NHRIs, and that they continue to support the work of APF. Support for subregional

workshops for the Arab and Pacific regions on national human rights protection systems, including NHRIs, was encouraged.

41. The International Conference on NHRIs in the Arab Region, organized by OHCHR, UNDP and the National Council for Human Rights of Egypt in cooperation with the League of Arab States, was held from 6 to 8 March 2005 in Cairo, following the recommendations of the twelfth Workshop. Representatives of existing NHRIs, parliamentary human rights committees, as well as human rights and justice ministries participated from Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, the Libyan Arab Jamahiriya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, the Sudan, the Syrian Arab Republic, Tunisia, the United Arab Emirates and Yemen. In addition, representatives of regional coordination committees of NHRIs from Africa, the Americas, Asia and the Pacific and Europe, as well as experts from the United Nations were invited. NGOs in consultative status with the Economic and Social Council and accredited to the Arab Permanent Commission for Human Rights were also present.

(b) The Asia Pacific Forum of National Human Rights Institutions

42. The OHCHR NI and Asia Pacific Units supported and participated in the eighth Annual Meeting of APF held in Kathmandu from 16 to 18 February 2004. The meeting reaffirmed the Forum's commitment to promoting the development of NHRIs in conformity with the Paris Principles. It featured the theme "National Human Rights Institutions and the primacy of the rule of law in countering terrorism", which was considered by the Forum's Advisory Council of Jurists. Support was also provided to the ninth Annual Meeting held in Seoul on 13 September 2004. The tenth Annual Meeting will be hosted by the National Human Rights Commission of Mongolia in Ulaanbaatar from 24 to 26 August 2005.

(c) Workshops and training

43. OHCHR supported the holding of the first in-country training workshop on human rights investigations techniques in Sri Lanka. The five-day workshop, convened by APF from 8 to 12 November 2003, was intended to provide a core professional development programme to address systematically the specific training needs of investigations staff within the Human Rights Commission of Sri Lanka. Thirty-four of its staff as well as representatives of local NGOs participated. The workshop was held at the request of member States of the Asian-Pacific region which, at the conclusion of the tenth Workshop on Regional Cooperation for the Promotion and Protection of Human Rights in the Asian-Pacific Region, had called on OHCHR to continue developing and implementing training programmes on investigation techniques, among other subjects. OHCHR also supported APF in the holding of the Asia Pacific Regional Training Programme on Human Rights Investigations, which took place in Tagaytay City, the Philippines, from 18 to 22 April 2005.

44. In July 2004, OHCHR and APF supported a joint mission to strengthen the legislative basis of the Palestinian Independent Commission for Citizens' Rights. OHCHR also offered training to the National Centre for Human Rights in Jordan in the area of complaints-handling and human rights education through the New Zealand Human Rights Commission. In February 2004, the NI Unit provided a preliminary training course to the UNCT in Jordan concerning the Paris Principles.

45. OHCHR, through the United Nations Mission in Iraq has provided substantive input into the drafting process of the new constitution of Iraq, ensuring that a provision regarding the establishment of a national institution is included. In consultation with OHCHR Kathmandu, an expert mission was undertaken in July 2005 by the NI Unit to assess the National Human Rights Commission of Nepal.

4. Europe

(a) Council of Europe Round Table of National Human Rights Institutions

46. On 25 and 26 November 2004, the NI Unit participated in the third Round Table of National Human Rights Institutions, hosted by the German Institute for Human Rights and the Council of Europe, in Berlin. The meeting included observers from the European Union (EU), OSCE, the United Nations, Amnesty International, the International Commission of Jurists, the Human Rights Grouping of NGOs holding participatory status with the Council of Europe, as well as government representatives and a number of individual researchers. The Berlin Declaration deals with the three main themes of the round table: the development of the system of human rights protection within the Council of Europe, the protection of human rights in the context of the fight against terrorism, and the protection of victims of trafficking in human beings.

(b) European Meeting of National Institutions

47. The fifth European Meeting of National Institutions was held in Berlin in conjunction with the third Round Table. The event was co-organized by the Council of Europe; the Commission nationale consultative des droits de l'homme of France, the current Chair of the European Coordinating Group of National Institutions; and the German Institute for Human Rights. The next European regional meeting will be hosted by the Greek National Human Rights Commission in fall 2006.

48. On 16 February 2005, the NI Unit participated in the meeting of the European Coordinating Group of National Institutions, hosted by the Commission nationale consultative des droits de l'homme in Paris, and met with the Agence intergouvernementale de la Francophonie to strengthen cooperation between the NI Unit and the Agence.

49. On 12 April 2005, the NI Unit participated in the meeting of the European Coordinating Group, held in Geneva during the sixteenth session of ICC, which discussed issues such as human rights and the fight against terrorism, trafficking of human beings, racism and cooperation with the Council of Europe, OSCE, the European Union and OHCHR. The NI Unit has established closer linkages with the Office of the Commissioner for Human Rights of the Council of Europe as the focal point for the Council's work on NHRIs. The Unit and the Council have exchanged information about various NHRIs within Europe.

50. On 6 June 2005, as a follow-up to discussions held during the sixty-first session of the Commission on Human Rights, the NI Unit met with the Commission nationale consultative des droits de l'homme in Paris in order to define a common strategy in establishing and strengthening NHRIs in Europe and Central Asia. The NI Unit aimed to improve the existing technical cooperation and sought to establish a common plan of action. At the invitation of the Government of France, the NI Unit met on 7 June 2005 with representatives of the Ministry for Foreign Affairs to

discuss technical cooperation activities regarding the establishment and strengthening of national institutions.

51. On 20 July 2005, the NI Unit attended a meeting in Paris to enhance concerted action on the part of OHCHR, the Council of Europe and the European Coordinating Group regarding the establishment of NHRIs in States members of the Council of Europe.

(c) Workshops and training

52. The NI Unit has discussed with the Government of Turkey the establishment of a NHRI. At the invitation of the Danish Institute for Human Rights, the NI Unit participated with the Human Rights Presidency of Turkey, the Council of Europe, the New Zealand Human Rights Commission and the Parliamentary Commission for the Rights of National and Ethnic Minorities of Hungary in a symposium held in Turkey from 1 to 3 December 2004. The symposium brought together representatives of central and local governments and civil society, including NGOs, trade union and bar association representatives as well as media.

53. At the invitation of the Government of Finland, the NI Unit participated on 16 February 2005 in a meeting in Helsinki to advise the Government on the possible establishment of a NHRI.

III. Cooperation between human rights treaty bodies, special mechanisms of the Commission on Human Rights and national human rights institutions

A. Treaty bodies

54. The Paris Principles highlight the importance for NHRIs to engage in the international human rights treaty body process. The NI Unit continues to systematically engage with treaty bodies and their members by providing expert analysis of NHRIs and preparation of briefs for members. The Unit has one staff member working exclusively on treaty body and NHRI issues.

55. Together with the OHCHR Treaties and Commission Branch, since November 2003 the NI Unit has undertaken training workshops under the EU-funded project "Strengthening the implementation of human rights treaty recommendations through the enhancement of national protection mechanisms". Representatives of the media, NGOs and the NHRIs of Albania, Argentina, Azerbaijan, Bosnia and Herzegovina, Colombia, Croatia, El Salvador, Guatemala, Kenya, Latvia, Mauritius, Panama, the Russian Federation, Rwanda, Sri Lanka, Thailand, Togo, Uganda and Zambia participated in the training. Participants were also able to observe sessions of the treaty bodies that were examining the reports of their respective States. Plans of action have been developed for each country aimed at devising strategies for better implementing treaty body recommendations at national level.

56. Pre-sessional missions took place to prepare participants for the Geneva-based workshops. For the countries that have participated in previous training sessions, follow-up activities to assess the impact of the training on the ground were conducted in Croatia, Guatemala, Rwanda and Sri Lanka with members of NGOs,

the media, NHRIs and Government officials. Follow-up activities have revealed that for countries that have received the training, national capacity to implement human rights treaty body recommendations has been strengthened through the enhancement of national protection systems with NHRIs playing a lead role.

57. Also within the framework of the EU-funded project, the NI Unit, in conjunction with the Treaties and Commission Branch, are organizing a judicial colloquium to be held in the African Region in October 2005. The colloquium will bring together members of NHRIs, the judiciary, parliamentarians, NGOs, Government and the media to discuss strategies relating to implementation of treaty body recommendations at the national level.

58. The Unit prepared a compilation of all concluding observations and recommendations relating to NHRIs as well as decisions under individual complaints procedures that have been made by the treaty bodies since 2000. This compilation, which is regularly updated, has been posted on the NHRIs website (www.nhri.net). The Unit continued to systematically and promptly send to the NHRIs of the countries concerned concluding observations and decisions under individual complaints procedures following their adoption.

59. In follow-up to the commitment made at the third intercommittee meeting of human rights treaty bodies to engage more with NHRIs and issue general recommendations on the work of NHRIs in relation to treaty bodies, the Unit, together with the Treaties and Commission Branch, arranged for the participation of NHRI representatives from Uganda, Mexico and Denmark to participate for the first time in the intercommittee meeting held in June 2005.

B. Special procedures

60. The special procedures mandate holders of the Commission on Human Rights increasingly consult with NHRI representatives and are an important mechanism in encouraging compliance with the Paris Principles and providing support to NHRIs. The NI Unit briefed the special procedures mandate holders during their annual meeting in June 2004, in order to support greater interaction between the special procedures mechanisms and NHRIs.

61. The mandate holders of the Commission are regularly provided with information concerning the work of NHRIs in preparation for their country missions. Increasingly, mandate holders look to NHRIs to assist in ensuring that their recommendations are followed up at the national level. This is an important area of work for NHRIs and should be further encouraged. In line with Commission resolution, 2004/76, the Unit compiled special procedures recommendations relating to NHRIs and is in the process of making them available to relevant NHRIs for follow-up.

IV. Cooperation between the Office of the United Nations High Commissioner for Human Rights, United Nations agencies and programmes, and international and regional organizations

62. OHCHR has strengthened its cooperation with UNDP, UNESCO, UNICEF, the United Nations Population Fund (UNFPA), the United Nations Volunteers programme (UNV), the Joint United Nations Programme on HIV/AIDS (UNAIDS), the United Nations Division for the Advancement of Women, as well as the Agence intergouvernementale de la Francophonie and the Secretariat of the Commonwealth in its work of capacity-building of NHRIs.

63. The NI Unit has established closer links with the Association francophone des commissions nationales de promotion et de protection des droits de l'homme in cooperation with the International Organization of la Francophonie.

64. The NI Unit addressed participants at the British Council seminar "NHRIs: effective or just existing?" held in Belfast, United Kingdom of Great Britain and Northern Ireland, from 26 to 30 October 2003. The seminar brought together representatives of NHRIs and experts from around the world to discuss their experiences of how to measure the effectiveness of NHRIs.

65. At the request of the British Council and the Northern Ireland Human Rights Commission, the NI Unit participated in, and addressed, the International Workshop for Chief Executive Officers and Senior Managers of the NHRIs of the Commonwealth, held in Belfast from 31 January to 3 February 2005.

66. The eighth Annual Congress of the Ibero-American Federation of Ombudsman (FIO) was held in Panama City from 18 to 21 November 2003. The two principal themes discussed related to transparency and democracy, and the role of the ombudsman in strengthening the international human rights system.

67. FIO celebrated its ninth Annual Congress in Quito from 8 to 11 November 2004. The Congress included a seminar on "International systems for promotion and protection of human rights". The OHCHR regional representative participated in the Congress and addressed the development of human rights norms within the framework of the United Nations, citizens' access to this system, the different ways the system has developed to ensure more effective protection of human rights, and the importance of the independence of personnel responsible for ensuring the effective protection of human rights.

V. Round tables of national human rights institutions and thematic issues

A. Promotion and protection of economic, social and cultural rights

68. OHCHR published *Economic, Social and Cultural Rights: Handbook for national human rights institutions*, No. 12 in the *Professional Training Series*, which was released in July 2005.

69. Thematic discussions were held during the fourteenth session of ICC on human rights education, in the presence of the Special Rapporteur on the right to education.

70. Representatives from the South African Human Rights Commission and the Uganda Human Rights Commission participated as panellists in the Social Forum organized by OHCHR in Geneva on 21 and 22 July 2005.

71. An international round table on economic, social and cultural rights is expected to be held in the Asia and Pacific region in November 2005. The round table seeks to familiarize NHRIs with economic, social and cultural rights, provide a forum for exchanging information and enhance the understanding of and regional approaches to economic, social and cultural rights for the purpose of individually and collectively reinforcing their efforts in the promotion and protection of economic, social and cultural rights. Twenty-five NHRIs from around the world will be invited to participate in the event.

72. A training workshop for NHRIs in the Asian-Pacific Region on the economic, social and cultural rights of women is being prepared jointly with the Canadian Human Rights Foundation and the Philippines Commission on Human Rights. It is expected to take place in early 2006.

B. Racism and racial discrimination

73. In close cooperation with the OHCHR Anti-Discrimination Unit, the NI Unit established a small-grants scheme for NHRIs' activities in follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Initiatives included support for the establishment of a Race Relations Unit in the Fiji Human Rights Commission, translation of educational materials in Mexico into indigenous languages, protecting the rights of the Tsaatan ethnic minority of Mongolia, a study on practices of slavery in the Departments of Maradi and Tahoua of Niger, and, in Venezuela, the provision of training on indigenous peoples' rights and the international human rights instruments.

74. In addition, the two Units cooperated with the New Zealand Human Rights Commission to organize the first-ever meeting of race relations commissioners to discuss issues of common interest in Auckland from 2 to 5 February 2004. Representatives of 15 NHRIs participated in the international race relations round table as part of a series of focused discussions supported by OHCHR with a view to providing an initial list of indicators of successes of NHRI networks in the area of racial or other discrimination. The meeting concluded by identifying the key challenges for NHRIs in race relations.

C. Rights of the child

75. During the sixteenth session of ICC, participants were briefed on the Secretary-General's study on violence against children supported by OHCHR, UNICEF and the World Health Organization (WHO) (www.violencestudy.org). In 2003, the Secretary-General appointed the expert to lead the study, which is to assess the situation on violence against children and to provide strategies to combat this phenomenon, including the development of effective protection mechanisms by

States. The expert requested inputs from NHRIs to the study as he believes they are very well placed to analyse the issue of violence against children at the country level. OHCHR supported the participation of NHRIs in the regional consultations on the study which took place in Thailand and South Africa in early 2005.

D. Promotion and protection of human rights while countering terrorism

76. The NI Unit was requested to organize a panel of NHRIs for the UNESCO World Forum on Human Rights, held in Nantes, France, from 16 to 19 May 2004. The panel, composed of representatives of NHRIs from Denmark, France and Northern Ireland, provided an opportunity for participants to engage with national experts on the role of NHRIs in promoting and protecting human rights while countering terrorism.

E. HIV/AIDS

77. OHCHR, through the NI Unit and the Research and Right to Development Branch, is finalizing with UNAIDS a handbook on the role of NHRIs in the prevention of HIV/AIDS and in combating HIV/AIDS-related discrimination. It is anticipated that the handbook will be available in 2005. As input into the development of the handbook, a parallel event on HIV/AIDS and NHRIs was organized by OHCHR and UNAIDS during the sixteenth session of ICC, in April 2005.

F. Rights of persons with disabilities

78. A thematic discussion on the International Convention on the Rights and Dignity of Persons with Disabilities was held during the fourteenth session of ICC, with the participation of the ICC representative to the Ad Hoc Committee on the Convention and its Working Group. The NI Unit has been actively involved in providing assistance to the ICC representative to the various meetings held in New York since 2003.

79. The representative of the National Human Rights Commission of India, who has replaced the representative of the South African Human Rights Commission, briefed ICC members on progress in the drafting of the Convention at the sixteenth session of ICC.

G. Conflict prevention and prevention of torture

80. A 28-month project with the overall objective of strengthening the capacity of NHRIs through distance and regional training as part of strengthening national human rights protection systems has been launched by the NI Unit in cooperation with its project partners, the NGOs Fahamu and the Association for the Prevention of Torture, and the United Nations System Staff College. The project aims to introduce participants to various aspects of conflict and torture prevention work and to develop tools for NHRIs to be able to build appropriate capacities.

81. The incentive-based training programmes on the prevention of conflict and the prevention of torture are divided into three phases — CD-ROM distance-learning available in English, French, Spanish and Russian, conventional workshops, and post-workshop mentoring to define national strategies — which have to be successfully completed by all participants. NHRIs have to select two staff members to participate in the training programmes as part of their regular work assignments. At least one participant must be female. Training activities are planned for Africa, the Americas, Asia and the Pacific, and Europe and Central Asia.

82. The first pilot training programme on torture prevention for Anglophone African NHRIs was organized in Kampala from 11 to 13 November 2004 with the cooperation of the Uganda Human Rights Commission. The second training programme on the prevention of torture for NHRIs of the Asian and Pacific Region will start in October 2005 and selected participants will meet in November 2005 at a workshop co-hosted by the Indonesia National Commission for Human Rights in Jakarta. The third training programme on the prevention of torture for Francophone African NHRIs will start in fall 2006 with the Conseil consultatif des droits de l'homme of Morocco supporting the holding of a conventional workshop as part of the training. The fourth training programme on the prevention of torture for NHRIs of the European and Central Asian Region is planned to start in autumn 2006.

83. The first training programme on the prevention of conflict for NHRIs of the Asian and Pacific Region will start in August 2005. A conventional workshop, co-hosted by the Human Rights Commission of Sri Lanka, will be held in September 2005 in Colombo. The second training programme on the prevention of conflict for Anglophone African NHRIs will start in September 2005. A conventional workshop will take place in Abuja in October 2005 with the support of the Nigeria National Human Rights Commission. The third training programme on the prevention of conflict for Francophone African NHRIs is planned to start in January 2006. The Comité sénégalais des droits de l'homme has agreed to co-host the conventional workshop. The fourth training programme on the prevention of conflict for NHRIs of the Americas is scheduled to start in March 2006 and the Ombudsman of Guatemala agreed to provide his support for the holding of a conventional workshop in Guatemala. The fifth training programme on the prevention of conflict for NHRIs of the European and Central Asian Region is planned for autumn 2006.

H. Migration

84. The international round table of NHRIs on the subject "Causes, effects and consequences of the migratory phenomenon and human rights protection", organized by the National Human Rights Commission of Mexico and the NI Unit, with the support of the Human Rights Commission of Zacatecas, was held in Zacatecas on 14 and 15 October 2004. The meeting facilitated the exchange of experiences and expertise on the integration of migrants' rights issues into the work of NHRIs, and defined common methodologies and strategies to promote and protect the human rights of migrants and the establishment of a system of collection and analysis on best practices with regard to the work of NHRIs in this field. Seventeen NHRIs were represented by their Chairpersons or other senior officials. The Zacatecas Declaration was adopted by the participants (E/CN.4/2005/106, annex III).

85. As part of its efforts to enhance awareness about NHRIs, the NI Unit briefed the members of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families at its first session, in March 2004. ICC devoted its thematic discussion at its sixteenth session in April 2005 to the issue of migration and NHRIs.

I. Gender

86. The international round table of NHRIs and national machineries for the advancement of women, held in Ouarzazate, Morocco, from 15 to 19 November 2004, was organized by OHCHR and the Division for the Advancement of Women and hosted by the Conseil consultatif des droits de l'homme. Two experts of the Committee on the Elimination of Discrimination against Women also participated. Representatives of national machineries and NHRIs from 14 countries were present. The round table aimed to strengthen the capacity of national machineries and NHRIs to promote and protect the human rights of women through the development of institutional links and joint strategies.

J. Good governance

87. The international round table on NHRIs as promoters and protectors of good governance was organized by the NI Unit in cooperation with the Fiji Human Rights Commission in Suva, from 13 to 16 December 2004. Participants included representatives of NHRIs from nine countries, with input provided by the Kenya National Commission on Human Rights. Observers included representatives of the United Nations community in Fiji and civil society. The meeting was a direct follow-up to the seminar on good governance practices for the promotion of human rights organized by OHCHR in Seoul in September 2004. The participants adopted the Suva Declaration (ibid., annex V).

K. Minorities

88. Following the decision of the Working Group on Minorities at its tenth session to invite OHCHR to provide it with information on the relevant guidelines and practices of NHRIs in relation to minority issues, the NI Unit briefed the Working Group in March 2004 about the preparation of a draft pamphlet concerning NHRIs and minorities for inclusion in the *United Nations Guide for Minorities*, pursuant to Subcommission resolution 2002/16. The pamphlet has now been finalized and is awaiting publication.

89. The Working Group noted that it will in the future invite NHRIs to participate and recommended that Governments consider establishing NHRIs comprising persons of independence and ability and enabling such institutions to investigate and grant appropriate relief for violations of minority rights by all State agencies, including the police, armed police and paramilitary forces, and also by non-State actors.

90. A parallel event on Minority Rights and NHRIs was organized by the NI and Minority Units, including minority fellows, during the sixteenth session of ICC.

L. Administration of justice

91. The NI Unit and the Danish Institute for Human Rights co-organized the round-table discussion NHRIs and the administration of justice in Copenhagen on 13 and 14 November 2003. The round table brought together 22 NHRIs from all continents, which highlighted the centrality and importance of implementing the Paris Principles, in particular that NHRIs should have quasi-judicial powers. The topics discussed included: the relationship between NHRIs and the judiciary; judicial enforcement mechanisms and NHRIs; direct powers of intervention and NHRIs; the complaints — handling powers of NHRIs, including civil cases and military and security force cases; and case-handling systems.

M. The Paris Principles

92. To commemorate the adoption of the Paris Principles by the General Assembly in 1993 (resolution 48/134), the NI Unit undertook several initiatives through small grants, awarded in 2004, relating to the promotion of the Paris Principles at the national level. These were awarded, based on applications received, to the NHRIs of Albania, Ghana, Haiti, Mauritius, Morocco, the Philippines and Zambia. The Mexican Human Rights Commission held a seminar on the Paris Principles on 9 October 2003, bringing together international experts, including the NI Unit and representatives of the state and national human rights commissions.

93. On 10 and 11 December 2003, a round table on the Paris Principles was organized by OHCHR in Geneva. It was attended by the Chairperson of ICC and senior ICC representatives, and representatives of Amnesty International, Human Rights Watch, the International Council on Human Rights Policy and the International Commission of Jurists. The International Federation of Red Cross and Red Crescent Societies participated as an observer.

VI. Conclusions

94. **The integration of NHRI-related activities throughout OHCHR has become a reality and the United Nations can now rely to a great extent on NHRIs as implementing partners rather than solely as beneficiaries. The establishment of new institutions, however, requires concerted effort and should not be rushed. In some instances, more national-level consultations should be held at an early stage of development so that the institution established has greater credibility. Particular attention needs to be paid to the inclusion of civil society when establishing such institutions and ensuring transparent appointments processes. OHCHR will continue to strengthen established NHRIs and provide support to States that are in the process of establishing such institutions.**

95. **Building the knowledge and expertise of UNCTs on NHRIs and the inclusion of NHRIs in the common country assessment/United Nations Development Assistance Framework process will be strengthened in line with the Secretary-General's Action 2 programme which calls for implementing human rights at the country level with national partners.**

96. OHCHR draws the attention of Governments and NHRIs to the importance of the Paris Principles and invites them to reaffirm their validity and the necessity of complying with them. There is scope for continued engagement with NHRIs through the Commission on Human Rights, the Subcommission on the Promotion and Protection of Human Rights, their working groups, the various special procedures of the Commission and the treaty bodies. Such engagement with Paris Principles-based institutions can only strengthen the substantive work of the United Nations bodies.

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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Assistance to unaccompanied refugee minors

Report of the Secretary-General

Summary

In its resolution 58/150, the General Assembly noted the efforts of the Office of the United Nations High Commissioner for Refugees (UNHCR) and other organizations to protect and assist unaccompanied refugee minors, bearing in mind that those refugees were among the most vulnerable and the most at risk of neglect, violence, forced military recruitment, sexual assault, abuse and vulnerability to infectious disease, and therefore required special assistance and care. The Assembly requested the Secretary-General to report at its sixtieth session on implementation of the resolution and to give special attention in his report to the girl-child refugee. This report provides information on action taken in respect of those concerns in the two-year period since the last report and includes information provided by UNHCR, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and other organizations.

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I. Introduction

1. In the turmoil of conflict and flight children are at an increased risk of becoming separated from their families and caregivers. "Unaccompanied children" (also referred to as "unaccompanied minors") are girls and boys under 18 years of age who are separated from both parents and are not being cared for by an adult who by law or by custom is responsible for doing so. However, there are also children who are accompanied by extended family members, but have been separated from both parents or from their previous legal or customary primary caregiver. These separated children face risks similar to those of unaccompanied children, and their protection needs also require priority attention.

2. Unaccompanied and separated girls and boys are entitled to international protection under international human rights law, international refugee law, international humanitarian law and various regional instruments. They often require immediate protection and assistance, most notably against military recruitment; sexual exploitation, abuse and violence; forced labour; irregular adoption; trafficking; discrimination; and lack of access to education and recreational activities. Both girls and boys are at risk, but girls are often the principal targets of sexual exploitation, abuse and violence and are often more disadvantaged than boys in terms of access to education.

3. The Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF) and other organizations working in the field share common aims: to prevent separation whenever possible; to identify, register and document both unaccompanied and separated girls and boys; to trace and reunify them with their families in a timely manner, if that is in the best interests of the child; and to ensure that they receive the necessary protection and care, taking into account the specific needs of each child according to age, gender and background, as well as the overall goal of finding durable solutions.

II. A rights-based approach

A. Convention on the Rights of the Child

4. The 1989 Convention on the Rights of the Child and its Optional Protocols of 2000, in conjunction with the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, as well as other relevant international and regional instruments, constitute the normative framework on which UNHCR and other organizations base their international protection and assistance activities for refugee girls and boys and for other displaced children.

5. The two Optional Protocols to the Convention on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography,[1] entered into force on 12 February 2002 and 18 January 2002, respectively. As of end July 2005, 117 States had signed and 101 States ratified the former Optional Protocol, and 111 States had signed and 95 ratified the latter.

6. UNHCR and the Committee on the Rights of the Child have established a mechanism for exchange of information and views on issues relating to displaced children, in particular refugee and stateless children, and UNHCR contributed

comprehensively to the drafting of general comment No. 6 (CRC/GC/2005/6) on the "Treatment of unaccompanied and separated children outside their country of origin" adopted by the Committee on 3 June 2005. The general comment draws attention to the particularly vulnerable situation of these children; it outlines the multifaceted challenges faced by States and other actors in ensuring that such children are able to access and enjoy their rights; and provides guidance on the protection, care and proper treatment of these children based on the entire legal framework provided by the Convention, with particular reference to the principles of non-discrimination, the best interests of the child and the right of the child to express his or her views freely.

7. Over the past two years, UNHCR has invested considerable effort in the process of more closely aligning programmes both in the field and at Headquarters with its Agenda for Protection,[2] a programme of action to improve the protection of people of concern to UNHCR that was welcomed by the General Assembly in its resolution 57/187 of 18 December 2002. The Agenda addresses the protection of refugee children under goal 6 of the Programme of Action, "Meeting the protection needs of refugee women and refugee children". The specific needs of unaccompanied and separated refugee children during asylum procedures are highlighted, as are the need to arrange for their temporary placement in foster families or for the appointment of State or non-State guardians and to monitor such arrangements. A number of guidelines are currently being developed pursuant to the Agenda, including on family unity in the refugee protection context, on age-related persecution and on the eligibility of victims of trafficking for refugee status.

B. Action for the Rights of Children

8. Action for the Rights of Children (ARC), a rights-based inter-agency training and capacity-building initiative that includes UNHCR, the International Save the Children Alliance, UNICEF and the Office of the United Nations High Commissioner for Human Rights (OHCHR), is designed to increase the capacity of United Nations organizations, governmental and non-governmental organizations (NGOs) and, in some instances, refugees themselves, to protect and care for children, from emergencies through to the durable solutions phase. ARC plays an important role in disseminating information on experience gained in protecting and assisting unaccompanied and separated children in the field. Its comprehensive resource materials include a module that focuses specifically on this topic.[3] In 2004 this module was revised to reflect the publication of the *Inter-agency Guiding Principles on Unaccompanied and Separated Children*. Training material has been translated into French, Spanish, Arabic, Portuguese, Dari and Thai.

9. The coordination role of the Save the Children Alliance continued through to mid-2005 and is currently being reviewed as part of an evaluation commissioned by the ARC Management Group in order to analyse the relevance and impact of ARC. The evaluation will assess the overall effectiveness of the capacity-building approach to child protection and define how and where to place the programme beyond 2005.

10. The inter-agency regional ARC steering committees in West and Southern Africa and in the East, the Horn and the Great Lakes region of Africa remained active in the reporting period. In those regions, the UNHCR Senior Regional

Advisers for Refugee Women and Children, in collaboration with their counterparts at UNICEF and the International Save the Children Alliance, provided technical support, monitoring and follow-up on child-related activities. The steering committees were integrated into larger child protection networks with a broader scope and membership, which have enhanced information-sharing and awareness-raising in the area of child protection and improved inter-agency collaboration at the country level.

11. A range of ARC activities have continued throughout the world, including, notably, in Burundi, Sierra Leone and Zambia. An inter-agency and cross-border child protection workshop was held in Rwanda in 2004 which brought together staff from UNHCR, UNICEF, Save the Children (UK) and implementing partners from Rwanda and the Democratic Republic of the Congo. The main focus of the training was unaccompanied and separated children and child recruitment. This was followed up with further inter-agency training and action planning in Rwanda in the first half of 2005. A series of child-protection workshops were held in Afghanistan, the Occupied Palestinian Territory, the Americas region and Thailand, focusing on issues relating to unaccompanied girls and boys. ARC training was also organized for Save the Children Norway and Sweden standby roster members, and for the staff of several organizations in Geneva and Stockholm, the last one focusing on separated children.

C. Separated Children in Europe Programme

12. The Separated Children in Europe Programme (SCEP), a regional European network, was established in 1997 as a response to the situation of unaccompanied and separated children in Europe and seeks to improve this through research, policy analysis and advocacy at the national and regional levels. SCEP was initiated by UNHCR and the International Save the Children Alliance based on the complementary mandates and areas of expertise of the two organizations. Its membership includes the 25 European Union (EU) countries as well as Bulgaria, Croatia, Norway and Switzerland. UNHCR also cooperates with other networks, such as le Réseau euro-méditerranéen pour la protection des mineurs isolés (REMI) and the Council of the Baltic Sea States which has an expert group on children.

13. The SCEP Statement of Good Practice was revised in 2004 and continues to provide policies and practices required to implement and protect the rights of separated children in Europe. The Statement is principally informed by the Convention on the Rights of the Child and the UNHCR Guidelines on Policies and Procedures in dealing with Unaccompanied Children Seeking Asylum (February 1997) and the European Council on Refugees and Exiles (ECRE) Position on Refugee Children (November 1996). It has been translated into several regional and national languages. Information and material gathered through SCEP are available on the SCEP website.[4] In addition, a bimonthly SCEP newsletter is produced by Save the Children.

14. The SCEP network actively contributed to the drafting of recommendation 1703 (2005) on protection and assistance for separated children seeking asylum, which was adopted on 28 April 2005 by the Parliamentary Assembly of the Council of Europe. In the recommendation the Assembly recommended that the Committee of Ministers urge member States to refrain from refusing entry to their territories to

separated children, to ensure the appointment of legal guardians, to allow the detention of separated children only as a last resort and to grant humanitarian residence permits to children who have been subjected to child-specific forms of persecution and who are not recognized as refugees.

III. Global priority issues relating to refugee children

A. Separation from families and caregivers

15. Unaccompanied and separated girls and boys face an increased risk of military recruitment, sexual exploitation, abuse and violence, trafficking, discrimination, forced labour and lack of access to education and recreational activities. In addition to the losses and violence experienced by all children in emergencies, separated girls and boys also suffer the sudden loss of those people most important to them. Their psychosocial well-being is just as important as their physical health. Immediate protection and assistance are therefore required, using a two-pronged approach, within a rights- and community-based framework, with targeted actions, and solidly premised on mainstreaming gender equality, age sensitivity and diversity. This approach includes active participation of refugee women, men, girls and boys of diverse backgrounds.

16. Family tracing and reunification have been emphasized and promoted as the most important long-term solution for unaccompanied and separated refugee children by UNHCR, UNICEF and other United Nations bodies, the International Committee of the Red Cross (ICRC), the International Rescue Committee (IRC), Save the Children, NGOs and other partners. The core principle is family reunification, provided it is in the best interests of the child as verified by suitably qualified staff.

17. Close cooperation with other organizations and Governments in countries of asylum and of return is crucial for positive tracing and reunification results. For example, in Indonesia and Timor-Leste, over a period of five years, UNHCR assisted with the family reunification of over 2,350 separated children and the local integration of another 1,100 children in accordance with their best interests. At the end of 2004, responsibility for following up on the separated children's programme was handed over to national authorities in Indonesia and Timor-Leste. In Europe, cross-border tracing of the family is usually undertaken in cooperation with ICRC, upon consent of the unaccompanied and separated child. Family reunification remains a major issue in Europe as Governments are putting in place more restrictive policies for family reunification, especially for adolescents or for family members of persons with complementary protection status.

18. Problems can occur once children are reunited with their families. Many children return to a very poor environment, as many parents have no regular income during or after a conflict situation and may live in very remote areas. This is, for example, the case for many returnees in Afghanistan, as the education, health care and job opportunities were often better in their country of asylum.

19. Family tracing sometimes results in placing the child with relatives with whom the child may have had only limited previous contact. It is therefore important to

provide follow-up for children who have been reunited with their family or extended family and to identify which organization will be responsible for that task.

20. The prevention of separation continued to be highlighted in UNHCR repatriation operations in Afghanistan, Angola, Burundi, the Democratic Republic of the Congo, Ethiopia, Guinea, Liberia, Pakistan, Rwanda, Sierra Leone, Somalia, the United Republic of Tanzania and Zambia. Preventive measures were taken both in countries of asylum and countries of origin, and protection and care mechanisms were put in place to meet the specific needs of unaccompanied and separated girls and boys, before, during and upon their return. In West Africa, an inter-agency subregional Forum covering Côte d'Ivoire, Guinea, Liberia and Sierra Leone has been established to address cross-border child protection issues, particularly unaccompanied and separated children. In Southern Africa, UNHCR, UNICEF and Save the Children (UK) developed a Child Protection Operational Toolkit for Voluntary Repatriation.

21. Resettlement is sought when repatriation and local integration are considered impossible within an acceptable time frame. If the child's family or siblings have been identified in a third country, family reunification is sought through resettlement. However, some Governments do not grant entry to even an immediate family member of a refugee as part of a family reunification. UNHCR and other partners have continued to advocate changing such practices or finding other solutions in such cases. An assessment of the well-being of young Sudanese men resettled to the United States in 2000 concluded that the unaccompanied minors seemed to function well in school and activities outside the home, but problems emerged in their home lives and emotional well-being. Those in group homes or foster care with other Sudanese fared better psychologically, as they could more easily share their experiences.

22. UNHCR policy states that, "In all actions taken concerning refugee children, the human rights of the child, in particular his or her best interest, are to be given primary consideration". While in most cases this is done through a general assessment of the needs of children or groups of children of concern, there are a number of situations where UNHCR, either independently or in collaboration with Governments or NGOs, is required to make a formal individual determination of the best interests of a child. Such individual best interests determination (BID) has so far primarily been undertaken prior to decisions on durable solutions for refugee children (and in particular resettlement to a third country). BID guidelines are currently being drafted by UNHCR pursuant to the call in the Agenda for Protection for the dissemination of material on the rights of refugee children in international law, with special reference to the Convention on the Rights of the Child. These Guidelines will assist staff and partners when called upon to make a "best interests" decision for a child and will ensure a thorough assessment and a consistent approach at field level. UNHCR has drawn particular attention to the inconsistent and inadequate consideration of BID in Europe, especially in the context of returns of unaccompanied and separated girls and boys under the Dublin II Regulation or to countries of origin, or third safe countries or rejected asylum-seekers. In its general comment No. 6, the Committee on the Rights of the Child clarified that "return to the country of origin shall in principle only be arranged if such return is in the best interests of the child".

B. Military recruitment

23. Unaccompanied and separated girls and boys are at particular risk of military recruitment. UNHCR, UNICEF and NGO partners actively advocate against the military recruitment of children in all circumstances. In resolution 1612 (2005), the Security Council noted advances made for the protection of children affected by armed conflict, particularly in the areas of advocacy and the development of norms and standards, but expressed deep concern over the lack of overall progress on the ground, where parties to conflict continued to violate with impunity the relevant provisions of applicable international law relating to the rights and protection of children in armed conflict. The Council highlighted the accountability of parties to a conflict by requesting the Secretary-General to implement a monitoring and reporting mechanism on grave violations against war-affected children and to engage in dialogue with parties to conflicts mentioned in the Secretary-General's report (S/2005/72) to the Council. It also requested the Secretary-General to assist in the development of the time-bound action plans to halt recruitment of child soldiers and other grave abuses called for in its resolution 1539 (2004). The Security Council has created a working group of all its members to review monitoring reports and progress on action plans and recommend measures to promote the protection of war-affected children.

24. It is vital to provide alternatives to joining armed groups or forces for unaccompanied and separated girls and boys. Preventive or rehabilitative measures include enrolment in formal, non-formal and vocational education, though it is disturbing to note that schools have at times been targeted for the purpose of forcibly recruiting children. Other measures include income-generating activities, family reunification, psychosocial services and recreational activities. The provision of adequate food rations and other assistance also reduces the vulnerability to recruitment of displaced and war-affected children.

25. Rehabilitation and reintegration programmes have broadened their focus to include children associated with fighting forces who are not directly involved in fighting, but who are used for sexual slavery and forced labour. Pending reunification with their families, measures for their protection and care are essential, in particular for girls who have given birth or who have become pregnant. In Liberia, a network of child protection agencies addresses issues relating to refugee, internally displaced and some other Liberian children, including those associated with fighting forces. UNHCR assisted UNICEF with the logistics to provide transport for 22,000 disarmed children from the disarmament and demobilization sites to the interim care centres designed to receive them for counselling and reorientation activities. The United Nations and NGO agencies, in partnership with national commissions where peace agreements have been reached, are implementing programmes aiming to prevent the recruitment and demobilize and reintegrate children associated with fighting forces in over twelve countries. Child protection agencies advocate for the release of those children during ongoing conflicts, independent of disarmament, demobilization and reintegration processes targeting adults which are dependent on negotiated peace settlements. Programmes of advocacy and dialogue are ongoing in the Philippines, Colombia and the Congo. UNICEF programmes to demobilize and reintegrate children back into their communities provide access to education and literacy, life skills, and vocational training and support for income-generation activities, including in Afghanistan, Sri

Lanka, Burundi, Côte d'Ivoire, Liberia, Sierra Leone, Somalia, Uganda, the Sudan and the Democratic Republic of the Congo.

26. Reintegration of children separated from their families through recruitment has faced constraints when children have been associated with adult disarmament, demobilization and reintegration programmes. Child protection agencies continue to maintain that programmes for children released from armed groups and forces are more effective when addressed in the framework of tracing, reunification and reintegration of separated children, rather than in the framework of a professional discharge from formal functions, as for adults. In Liberia, an independent inter-agency review is assessing the effects of providing children with the same short-term cash benefits as adults. In Angola, UNHCR collaborated with the Christian Children's Fund on its Survey on Abducted Girls, by identifying groups and ensuring that they were included in reintegration projects.

27. UNHCR has also faced constraints in monitoring child recruitment. In Thailand, UNHCR became aware of the existence of former child soldiers from Myanmar residing in and around refugee camps along the Thai-Myanmar border, through refugee status determination activities as well as through monitoring by field offices. In early 2005, UNHCR hired a consultant to further assess the nature and the extent of the problem and make recommendations, which in turn has resulted in increased inter-agency cooperation to address this issue and the establishment of a United Nations country team working group on children and armed conflict. In the Democratic Republic of the Congo, UNHCR, in close cooperation with the United Nations Organization Mission, facilitated the repatriation of children associated with Rwandan armed groups present in the Democratic Republic of the Congo. Children were then transferred to a special facility managed by the Rwanda Demobilization and Reintegration Commission and traced to family members in cooperation with ICRC. Of ongoing concern is the recruitment and rerecruitment of children, including children in some refugee camps.

C. Sexual exploitation, abuse and violence

28. Unaccompanied and separated girls and boys face a particular risk of sexual exploitation, abuse and violence since they may not have a trusted adult to protect and assist them. Furthermore, fuel and water collection present severe challenges, as do shortages in the level of material assistance. In several locations, young girls are involved in prostitution in order to provide for themselves and/or other family members. Participatory assessments have identified widespread exposure to sexual exploitation in West Africa and other areas owing to the lack of food and other material assistance.

29. As part of its overall strategy to address sexual and gender-based violence (SGBV), as described in its publication *Sexual and Gender-based Violence against Refugees, Returnees and Internally Displaced Persons: Guidelines for Prevention and Response* (2003), UNHCR has developed specific strategies to meet the protection needs of boys and girls. UNHCR and implementing partners carry out preventive measures, such as awareness-raising, providing alternative income-generating activities and supporting girls in continuing their education or vocational

training, and support response mechanisms like health care, psychosocial support, legal redress and measures to ensure the safety of the victim/survivor.

30. The Inter-Agency Standing Committee (IASC) Task Force on Protection from Sexual Exploitation and Abuse in Humanitarian Crises completed its work in June 2004, clarifying minimum standards of behaviour for personnel in the area of sexual exploitation and abuse and producing a number of tools and guidelines for field-level implementation. Secretary-General's Bulletin ST/SGB/2003/13, entitled "Special measures for protection from sexual exploitation and sexual abuse", promulgated minimum standards for all United Nations staff in this regard.

31. In 2004, all UNHCR managers were instructed to convene refresher sessions on the UNHCR Code of Conduct and to engage the active participation of all staff serving in field offices and at Headquarters.

32. Regional training and country-level workshops on SGBV, during which the special risks faced by unaccompanied and separated refugee children were addressed, were conducted throughout the world. Following regional training courses in Southern Africa, monitoring missions were conducted in a number of countries in the region. Plans of action have been formulated with relevant partners and standard operating procedures developed for improving SGBV prevention and response. Identifying refugees with specific protection needs, such as unaccompanied and separated children, is one of the priority areas in all SGBV and related activities. UNHCR is also intensifying its efforts to engage children in participatory assessments and to ensure that their views and concerns are integrated into UNHCR programming. A project based on direct participation of children was implemented in Angola, South Africa and Zambia, during which refugee/returnee children discussed the causes, forms, coping strategies and impacts of violence, and offered their suggestions for prevention and response.

D. Education

33. Education is a fundamental catalyst for achieving durable solutions for children and plays a crucial role in the prevention of cycles of conflict and in rebuilding the community. From the onset of displacement, education and recreational activities provide children with a sense of normality. Moreover, it is a protection tool for girls and boys, essential to prevent various forms of abuses and exploitation, and their involvement in illegal activities. In addition, education is particularly important for unaccompanied and separated children as a means of empowerment in the absence of parental care and protection.

34. Specific measures to integrate and support unaccompanied and separated children into schools and other learning programmes are being undertaken to prevent them from being exposed to further protection risks, and to facilitate their early identification and tracing. A teacher training programme that is currently being developed includes a component to sensitize teachers in dealing with unaccompanied and separated children issues.

35. UNHCR advocates with the Governments of countries of asylum for the provision of birth certificates to ensure the integration of children in national schools, and recognition of the school certificates in the children's countries of

origin. Such interventions are particularly important for unaccompanied and separated children, as they do not have parents to represent and support them.

36. In line with the Millennium Development Goals, UNHCR has continued to promote equal access to education for refugee girls. Some country operations have put in place special initiatives for retaining girls in school, as the number of dropouts after the first years of schooling is still high. Several projects were funded in 2004 to increase girls' enrolment and retention in selected countries where the proportion of girls in school is still low. These projects considered the root causes of the problems of enrolment and retention of girls through a community-based approach, including by addressing the issue of unaccompanied and separated girls, who are at higher risk of dropping out owing to such issues as domestic responsibilities, early marriage and cultural beliefs.

37. There is an acute need to target more educational programmes at adolescents and youth. Unaccompanied and separated adolescents are doubly marginalized: firstly, they are in a difficult situation because they are unaccompanied or separated and secondly, post-primary education opportunities are limited. The NGO Refugee Education Trust (RET) works with UNHCR to promote the right of adolescents to education, through advocacy and fund-raising. RET undertook a number of new initiatives in 2004, such as summer classes in Pakistan, a community-based programme for secondary education in the Congo, and projects in South Africa, South America and Guinea.

38. In European countries, access to primary education is guaranteed under national legislation, but variations exist in access to secondary and tertiary education and to vocational training of adolescents. In countries with recent and emerging asylum systems, the access to education by asylum-seeking, refugee and internally displaced girls and boys is affected at the refugee status determination procedure stage by frequent relocations, lack of local language tuition or legal status in the country of asylum, and in some cases by poverty (quality of education; availability of textbooks and uniforms). UNHCR is actively advocating for school registration and attendance of refugee and internally displaced girls and boys, especially in the Balkans and in countries of the former Soviet Union, and provides material support such as school books and tuition fees.

39. The UNHCR Peace Education and Conflict Resolution Programme is implemented in communities and in schools with the objective of providing teachers with constructive ways of dealing with conflicts and violence in school, including through classroom management skills and basic knowledge of developmental psychology. Importantly, peace education plays a role in trying to ensure that no child is discriminated against or stigmatized. The Programme currently operates in Eritrea, Ethiopia, Côte d'Ivoire, Ghana, Guinea, Kenya, Liberia and Sierra Leone.

E. Specific protection concerns of unaccompanied and separated adolescent girls and boys

40. As interventions tend to focus on younger children, adolescent girls and boys are often neglected in planning and programming. Even though their responsibilities in the family and the community have increased, their views are not sought or taken into account and their capacities to provide solutions are often overlooked.

41. School enrolment can keep adolescent girls and boys occupied and shield them from exploitative activities and abuse. Yet adolescent refugees often cannot access education. Adolescent girls are often deprived of secondary education because of early marriage, pregnancy, domestic chores and lack of family income.

42. UNHCR supports a number of activities to ensure the protection and care of adolescent girls and boys, such as non-formal education, vocational skills training, income-generating activities, the formation of youth groups, recreational activities, participation in decision-making processes, and (peer) education on life skills such as HIV/AIDS prevention and reproductive health. In Malawi, UNHCR engaged unaccompanied and separated children in sports activities in order to encourage self-sustaining activities. In addition, UNHCR worked together with foster parents to support and build on their skills to improve the quality of life for the children. In Colombia, schooling and technical training have been given to working children living on the streets of Bogotá.

43. Adolescent boys considered as adults within their own communities often leave them in order to earn an income. There are several examples, such as boys from Myanmar working in construction or on plantations in Malaysia, and Hazara boys from Afghanistan working in factories in the Islamic Republic of Iran. It is difficult to find suitable guardians for these adolescents. Foster families are seemingly more reluctant to take responsibility for boys than for girls. Therefore, in Zimbabwe, adolescents are given scholarships to boarding schools and live in group homes in camps during school holidays, while in Malaysia, Chin refugee leaders have been encouraged to send the message back to Myanmar that boys should wait to cross the border until they have reached the age of 18.

IV. Other concerns and challenges

A. Specific protection needs of unaccompanied girls and boys in care

44. In emergencies, interim care must be provided to children separated from their families until they are reunited, placed with foster parents, or other long-term care arrangements are made. Interim care may include fostering, other forms of community-based care or institutional care. All types of care must be adequately monitored.

45. Fostering is often considered the best interim solution for unaccompanied and separated refugee children; however, there are still risks that children will be neglected, abused, exploited or have other rights denied, with girls being at particular risk and deserving extra attention. As girls are kept at home more often than boys, a foster home might also have a larger impact on their lives. Another group that deserves particular attention is child-headed households, which put children in the position of having to take on parental responsibilities for their siblings. Such a situation can render the household particularly vulnerable to exploitation and abuse and can cut off access to education, recreational activities and decision-making opportunities. These households should therefore receive particular protection, support and care. In South Africa, psychosocial support has been provided to unaccompanied and separated refugee girls and boys through an art project which allows refugee children to express themselves in a non-threatening,

non-coercive environment to encourage healing from past trauma while building a peer support network.

46. In cases where reunification or foster care is not considered possible or suitable, other medium- and long-term options, such as group homes or supervised living arrangements, are needed. In Afghanistan, a women's shelter was opened in Kabul to provide assistance for unaccompanied girls from the Islamic Republic of Iran. The aim was to provide temporary shelter until such a time as they could be reunited with their families or alternative solutions found. In Quito, unaccompanied girls and boys are placed in special shelters where they receive psychological attention and support.

47. In order to optimize care arrangements such as fostering, group homes and supervised living arrangements, the children must participate and the capacity of the caregivers strengthened. In the United Republic of Tanzania, UNHCR, UNICEF and the National Social Welfare Institute conducted a training of trainers programme, bringing together refugee social workers from 10 different camps. The training focused on providing social workers with the requisite skills to enable them, in turn, to equip foster parents with the necessary skills to provide proper foster care in the refugee camps.

48. Registration figures show generally that there are more boys than girls registered as unaccompanied and separated children because girls tend to be more easily integrated into foster families before they reach the camps. Girls may be used as domestic workers and consequently not registered; they may be taken as "wives" by older men in the camps; or they may be trafficked out of the camps. The inadequate identification and consequent low registration rate of unaccompanied or separated girls may result in abuse, exploitation, early/forced marriages and early pregnancies. Identification, registration and follow-up on the well-being of refugee girls need further strengthening.

49. Care and guardianship arrangements are inadequate in many countries in Europe, with only about one third of the 42 countries having legal and practical provisions for the care and protection of unaccompanied and separated girls and boys. Ideally, such arrangements include separate reception facilities, a general prohibition on detention and officially appointed trained guardians. Specific reception facilities or restricted areas for unaccompanied and separated girls and boys in adult reception centres, common in the EU countries, have recently been established in the new EU member States. UNHCR is concerned at the high number of unaccompanied and separated children who disappear from reception facilities or during the asylum procedure. It is assumed that most girls and boys are secondary movers and leave the country of asylum for another country in an attempt to join their family or relatives or in search of better protection. A Dutch NGO has estimated that up to 30 per cent of these disappearances could be related to human trafficking, while the Special Rapporteur on the human rights of migrants has expressed concern about the alleged ill-treatment of minors in reception centres in Spain.[5] UNHCR, with its limited presence and operational capacity in Europe, works with governmental and non-governmental partners to monitor reception conditions and advocate for improved standards. UNHCR offices in Hungary, Greece and Turkey provide guidance by establishing standard operating procedures for unaccompanied and separated children, child-sensitive checklists and training for reception centre personnel and refugee status determination authorities. In

several countries where guardianship arrangements are developing, UNHCR has contracted NGOs to arrange for the care and guardianship of unaccompanied and separated children.

B. Trafficking

50. Every year untold numbers of children are trafficked, sometimes with the complicity of their parents or caregivers, into situations of exploitation, including prostitution, irregular adoption, domestic servitude and forced labour. Unaccompanied and separated children, especially girls, are particularly vulnerable to trafficking. Collaboration between States, United Nations agencies, NGOs and child rights advocates is key to ensuring that human rights concerns underpin international efforts to combat trafficking and respond to the needs of victims.

51. The Agenda for Protection commits UNHCR to engage in efforts to strengthen the international fight against both smuggling and trafficking. Within UNHCR, steps have been taken at policy and operational levels to fulfil this objective. Work with States to ensure that their asylum processes are open to receiving claims from individual trafficked persons, especially women and girls who can base their claim of asylum on grounds that are not manifestly unfounded, has been one area of activity. In addition, UNHCR, in conjunction with partners, is exploring the convening of an expert meeting on the protection needs of trafficked children.

52. The Geneva-based Intergovernmental Organization IGO Contact Group on Human Trafficking and Migrant Smuggling has played an important role in fostering inter-agency cooperation, allowing UNHCR and United Nations partners, including UNICEF, the International Labour Organization, OHCHR and the United Nations Office on Drugs and Crime, to work alongside other key actors such as the International Organization for Migration, the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE) and NGOs, sharing expertise and developing strategic responses to trafficking. The promotion of the human rights of victims, as articulated in the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1), is basic to all initiatives pursued by the IGO Contact Group.

53. In the context of the specific rights and needs of child victims of trafficking, including unaccompanied and separated children, the IGO Contact Group has proved to be an effective forum for consolidating inter-agency support for, inter alia, the UNICEF Guidelines for Protection of the Rights of Children Victims of Trafficking in Southeastern Europe of 2003; the *Human Trafficking Resource Package* published by the Department of Peacekeeping Operations of the Secretariat in 2004; the OSCE Action Plan to Combat Trafficking in Human Beings, adopted in 2003 and revised in 2005, including its addendum addressing the special needs of child victims of trafficking for protection and assistance; the Council of Europe Convention on Action against Trafficking in Human Beings adopted in May 2005; and numerous country-specific projects.

54. UNHCR and other IGO partner organizations regularly provide advice and practical assistance to the Commission on Human Rights on the human rights of child victims of trafficking, notably to the Special Rapporteurs on trafficking in persons, especially women and children; on the sale of children, child prostitution and child pornography; and on the human rights of migrants.

C. Internally displaced girls and boys

55. Internally displaced children separated from their families often face extremely precarious situations. The Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2, annex), which provide the framework for the inter-agency response to internally displaced persons, pay special attention to the needs of internally displaced girls and boys. In 2004, IASC endorsed a new set of guidelines entitled, *Implementing the Collaborative Response to Situations of Internal Displacement* (September 2004), which will be a valuable asset for humanitarian and/or resident coordinators and agencies alike.

56. The continuing insecurity and massive displacement in the Darfur region of the Sudan makes it one of the most difficult protection environments anywhere. With international awareness focused on the continuing problems of sexual violence and rape facing women and girls among the displaced populations, less attention is being given to the plight and protection of children, including separated children. Sufficient resources are not available to address the protection concerns of girls and boys.

57. In Colombia, UNHCR continued its efforts to raise awareness of the plight of women and children affected by armed conflict and displacement. The main risk for children and youth in their place of origin, as well as during displacement, is forced recruitment. In urban areas, displaced families usually settle in marginalized areas where common crime, gangs and drug traffickers represent additional risks. Young girls may fall into prostitution and risk being trafficked. UNICEF, UNHCR, Government institutions and a wide range of civil society actors are involved in a variety of programmes to protect the rights and address the needs of these children.

58. Access to education, birth registration and citizenship are among the issues relating to internally displaced girls and boys in Europe, including the North Caucasus and Balkan countries. UNHCR is addressing these in cooperation with other United Nations agencies and NGOs. For example, Roma and Chechen internally displaced children are assisted by provision of textbooks and clothing so they can attend school, and psychosocial counselling is given to traumatized girls and boys.

D. HIV and AIDS

59. Unaccompanied children, orphans and other children affected by HIV and AIDS may experience economic hardship and psychosocial distress, suffer from increased malnutrition and illness, and may drop out of school more frequently than other children. These factors are compounded among refugee children who have often fled from war, and may have lost one or both parents or been sexually exploited or violated. The UNHCR Strategic Plan on HIV and AIDS for 2005-2007 contains 10 objectives focused specifically on unaccompanied children, orphans and other children affected by HIV and AIDS; the importance of early identification of children made vulnerable owing to HIV and AIDS is considered critical in order to provide necessary support, initiate family tracing and family reunification processes, and to work towards an appropriate durable solution.

E. Building networks and partnerships

60. The UNHCR network of Senior Regional Advisers for Refugee Children in Africa and Europe continued to promote the rights of unaccompanied and separated refugee children and a rights-based approach to programming, notably through collaborative efforts on ARC and regional and national child protection networks involving UNICEF, OHCHR and child protection NGOs.

61. UNHCR, UNICEF, ICRC, IRC, Save the Children UK and World Vision International continued to participate in the Inter-Agency Working Group on Separated Children, which developed the *Inter-agency Guiding Principles on Unaccompanied and Separated Children*, thereby committing major child protection agencies to a common policy. The *Guiding Principles* were widely distributed after their publication in 2004 and have strengthened collaboration at regional and country level. Another outcome of this inter-agency collaboration was the Registration Form for Unaccompanied and Separated Children, which promotes a harmonized and comprehensive approach to the gathering of registration information for unaccompanied and separated children to be used globally. The form has been included in the *UNHCR Handbook for Registration* (2003). In the immediate aftermath of the December 2004 Indian Ocean tsunami, the same inter-agency group drafted brief Guiding Principles on Unaccompanied and Separated Children in the Tsunami-affected Countries and Psychosocial Care and Protection of Tsunami Affected Children: Guiding Principles.

62. UNHCR has an observer role in regular meetings and thematic discussions of the NGO Subgroup on Children in Armed Conflict and Displacement, which includes consideration of the protection and assistance concerns of unaccompanied and separated children. The Subgroup serves as an important body for information-sharing and discussion of policy issues.

63. Under the existing standby agreements with Save the Children Norway and Sweden, Community Services and Child Protection Officers were deployed to UNHCR emergency operations. These deployments strengthened UNHCR's capacity to address the protection and care of refugee children, in particular those of unaccompanied and separated children.

F. Registration

64. Unaccompanied and separated girls and boys must be quickly identified, registered and documented. Registration is an essential part of the humanitarian response in any refugee context. It is an important tool for protection against forcible recruitment, protection of access to basic rights, family reunification of refugees and identification of those in need of special assistance, and to implement appropriate durable solutions.[6] The Agenda for Protection specifically recommends the use of registration data to identify and make specific assistance and protection arrangements for unaccompanied and separated children.

65. Positive developments were noted during the reporting period, including in several African countries. In 2004, ICRC fully resumed its tracing and family reunion functions for unaccompanied girls and boys in western United Republic of Tanzania. ICRC has developed its capacity in the region to fulfil the complete process of registration and follow-up, with cooperation from UNHCR, UNICEF and

NGO partners. In Angola, UNHCR and UNICEF worked closely with Government partners to provide special programmes for returnee children in the areas of birth registration, vaccinations and family tracing.

66. The standards and processes described in the *UNHCR Handbook for Registration* formed the basis of a new software database to record and manage registration information. Development of this software (ProGres) began in December 2003. UNHCR piloted the new application in 2004 and is currently rolling it out to UNHCR offices. The new database system focuses on individual registration while still allowing UNHCR protection and programme staff to work with case and household groups. It contains a Specific Needs section with broad categories, including separated and unaccompanied children, that allow UNHCR to aggregate statistics consistently worldwide and to collect much more detailed information. Under the category "Separated and unaccompanied children" are the subcategories of "Separated child", "Unaccompanied child", "Child in foster care", "Child in institutional care" and "Neglected child with extended family".

67. Although identification of unaccompanied and separated girls and boys is essential for protection and assistance planning, the statistics and data available for industrialized countries are limited and often incomplete or not comparable owing to differences in age limits, age assessments and unsystematic updating of the data through the different stages of asylum process. Even less data are available on the sex and age of separated children than on their numbers and countries of origin. Data that are broken down by sex are available for only half of the 42 countries of Europe. These data suggest that the majority of the unaccompanied and separated children are male (72 per cent). Among the 11 European countries with comparable data, one third of the children are younger than 15 years of age.[7]

G. Detention

68. Unaccompanied and separated children should never be detained for reasons related to their immigration status. However, children continued to be detained in immigration detention centres and prisons in several countries throughout 2003 and 2004. Children in detention are part of the groups-at-risk which were regularly brought to the attention of authorities for release by UNHCR. Where asylum-seekers were detained in a manner inconsistent with UNHCR Executive Committee conclusions, UNHCR sought to monitor detention facilities, secure access to legal advice for those detained and promote alternatives to detention. However, release is often only secured when confirmation of resettlement of the minor or the family has been obtained. In several countries, girls and boys who are subject to accelerated asylum procedures and return/deportation to another country of asylum or to their country of origin are usually detained. Detention of undocumented asylum-seekers, regardless of their age, is a practice in a number of European countries. Australia received a communication from the Special Rapporteur on the human rights of migrants regarding the situation of unaccompanied children in mandatory immigration detention in that country (see E/CN.4/2005/85/Add.1, paras. 1-8).

H. Follow-up to evaluations

69. Following three independent evaluations on refugee women, refugee children and the role of community services,[8] UNHCR launched an age and gender-mainstreaming pilot project in early 2004. To date, 16 country assessments followed by capacity-building and planning workshops have been conducted.

70. In the first quarter of 2005, the pilot methodology was evaluated independently to review its validity from a field perspective and to identify lessons learned.[9] Based on the findings of this evaluation and through partner and in-house consultations, a revised strategy for mainstreaming age, gender and diversity in operations, with greater attention to diversity, has been developed to address the shortcomings of the pilot.

71. The overall goal of age, gender and diversity mainstreaming is to promote gender equality and the rights of all refugees of all ages, and to take into account the diversity within groups of concern to UNHCR. Unaccompanied and separated boys and girls will benefit from the strategy by participating in assessments and voicing their ideas and solutions to issues concerning themselves. Their right to participate in decisions on matters that affect their lives is enshrined in human rights instruments and UNHCR policy and guidelines, in particular the Agenda for Protection. The participation from the outset of unaccompanied and separated girls and boys in the definition of problems and the design of programmes for their benefit is crucial to serving, assisting and protecting them and ensuring an effective operation.

V. Conclusion

72. **The past two years have seen a strengthening of efforts and progress in addressing the protection of and assistance to unaccompanied and separated refugee children. Cooperation continued to be enhanced among United Nations agencies and with other partners, in particular ICRC, NGOs and Government counterparts, largely as a result of the elaboration of common goals and principles in 2003-2004. Age and gender mainstreaming by UNHCR has also contributed to improved cooperation between UNHCR and its partners and subsequently enhanced protection and assistance. It also increased participation by people of concern to UNHCR, including children. Other positive developments were the development of staff capacity through training activities, workshops and deployments of child protection staff; increased ratifications of the two Optional Protocols to the Convention on the Rights of the Child; the adoption of Security Council resolution 1612 (2005) with its focus on accountability; and the application of new registration software.**

73. **However, serious challenges remain and hamper protecting and safeguarding the rights of refugee children, including unaccompanied and separated children: lack of accountability for violations; security concerns for both refugees and staff; insufficient human and financial resources; discrimination towards girls; and, in some instances, lack of political will by States to implement or comply with international norms and standards. The specific protection and assistance needs of adolescents are still not receiving**

adequate attention. This not only puts them at risk of exploitative activities and abuse, but it also does not allow them to build a future.

74. **States that have not yet ratified or implemented the two Optional Protocols to the Convention are urged to do so and to comply with international norms and standards relating to children. States and other stakeholders in civil society are encouraged to ensure that adequate resources are provided to allow girls and boys to enjoy their rights, such as the right to education, and to prevent the risk of being (sexually) exploited or abused, being recruited into armed groups or forces, or trafficked.**

75. **Finally, the need remains for a clearer understanding of what constitutes an effective child protection system and accountability for it, as well as for enhanced and more sustained attention on the part of all actors to more adequate and effective identification, registration, tracing and family reunification of unaccompanied girls and boys. In addition, the follow-up and monitoring of all children-in-care arrangements require strengthening to avoid abuse, neglect and denial of other rights. This can only be achieved through continued inter-agency cooperation, States assuming their responsibility, and the meaningful participation of refugee girls, boys, men and women of all ages and backgrounds.**

Notes

[1] General Assembly resolution 54/263, annexes I and II.

[2] *Official Records of the General Assembly, Fifty-seventh Session, Supplement No. 12A* (A/57/12/Add.1), annex IV.

[3] See the UNHCR website at www.unhcr.ch.

[4] See www.separated-children-europe-programme.org.

[5] See E/CN.4/2005/85, para. 46 and E/CN.4/2005/85/Add.1, paras. 211-256.

[6] Executive Committee Conclusion on registration of refugees and asylum-seekers (No. 91 (LII)-2001), October 2001.

[7] UNHCR, Trends in separated and unaccompanied children seeking asylum in industrialized countries, 2001-2003, Geneva, July 2004, p. 7.

[8] *Meeting the rights and protection needs of children*, Valid International (Geneva, UNHCR, May 2002, EPAU/2002/02); *UNHCR Policy on Refugee Women and Guidelines on Their Protection: An Assessment of Ten Years of Implementation*, Women's Commission for Refugee Women and Children (New York, May 2002); *The community services function in UNHCR: an independent evaluation*, CASA Consulting (Geneva, UNHCR, March 2003, EPAU/2003/02).

[9] *UNHCR's age and gender mainstreaming pilot project 2004: Synthesis report* (Geneva, UNHCR, April 2005, EPAU/2005/03).

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Globalization and its impact on the full enjoyment of all human rights

Report of the Secretary-General

Summary

The Secretary-General submits the present report in response to General Assembly resolution 59/184 in which the Assembly requested the Secretary-General to seek further the views of Member States and relevant United Nations agencies on this issue and to submit a substantive report on this subject to the General Assembly at its sixtieth session. The report summarizes replies received in response to a request for information sent pursuant to the resolution. Responses were received from the Governments of Georgia, Iraq, Mexico and Oman.

* A/60/150.

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I. Introduction

1. In its resolution 59/184, the General Assembly took note of the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/59/320) and requested the Secretary-General to seek further the views of Member States and relevant United Nations agencies and to submit a substantive report on this subject to the General Assembly at its sixtieth session.

2. Pursuant to that request, on 1 June 2005, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a request for views on this issue. As of 24 August 2005, OHCHR had received responses from the Governments of Georgia, Iraq, Mexico and Oman.

II. Replies received from Governments

Georgia

[Original: English]
[7 July 2005]

The Government of Georgia stated that in its opinion, resolution 59/184 was of particular importance to transitional and developing countries. At the current stage, one of the principal tasks of the Georgian authorities was to ensure sustainable economic growth, poverty alleviation, and achievement of the objectives of international development within the process of globalization. At the same time, the Government noted that it agreed that, as stated in the resolution, globalization was a diversified phenomenon and that the full realization of civil, political, economic, social and cultural rights called for special attention and deep analysis in this context.

Iraq

[Original: Arabic]
[6 July 2005]

The Government of Iraq stated that globalization carried many implications — social, political, cultural and legal — which affected the full enjoyment of human rights to varying degrees from country to country. Consequently, globalization could have both positive and negative effects on human rights.

For example, globalization has provided many opportunities as a result of scientific advancement and economic development and greater competition. However, the distribution of benefits from globalization is extremely uneven between and within countries, and this has led to negative effects on human rights. Significantly, attempts to bridge the gaps between developed and developing countries have not so far been successful and this has affected the full enjoyment of human rights in developing countries, especially in relation to the fight against poverty and the right to a safe and healthy environment.

Consequently, the implementation of the policies of globalization should be based on human rights principles such as equality, participation, accountability, non-discrimination and respect for diversity, tolerance and international cooperation.

The new Iraq was striving to catch up with economically developed countries through the liberalization of trade by fostering privatization and by seeking the latest production and communications technologies, while at the same time taking into account the effects of policies on the enjoyment of human rights and attempting to overcome obstacles to the enjoyment of rights, in particular economic, social and cultural rights.

Mexico

[Original: Spanish]
[29 July 2005]

The Government of Mexico stated that the most significant challenge confronting the international community is the spread of the benefits of globalization to everyone on the planet. Globalization had great potential to improve the standard of living in all countries and to lead to more just and equitable societies; however, the benefits of globalization were enjoyed unequally. Part of the reason was a lack of coherence between systems of international trade and finance and national development strategies. Ideally, globalization should be a just, integrated and democratic process which offered opportunities and benefits to everyone in all countries.

The Government of Mexico has introduced several social programmes to eradicate poverty and to provide the best opportunities for development to the people. In particular, the Government has adopted the *Estrategia Contigo*, a project based in the principles of equity, transparency, co-responsibility, cohesion and integrity which has sought to advance development policies that strengthened capacities and options for the development of individuals and communities, in accordance with their needs and aspirations. In particular, the Government recognized the need to attend to the needs of those who are socially disadvantaged or vulnerable as one of the conditions for improving the development and prosperity of the country.

Importantly, recent statistics on poverty indicated that Mexico had made satisfactory progress in the reduction of poverty. For example, between 2000 and 2004, 5.6 million people had progressed from a state of food poverty, moving beyond the minimum level of food and nutritional intake established by the National Institute for Statistics, Geography and Information and the Economic Commission for Latin America and the Caribbean.

In relation to the protection of migrants, the National Human Rights Commission had created the Quinta Visitaduría General, which began work on 1 January 2005. Its mandate includes the *Programa de Atención a Migrantes* (which considered petitions related to the phenomenon of migration) and the strengthening of collaborative mechanisms with federal and local authorities working on migration, public human rights organs and non-governmental organizations. One of the principle objectives is to undertake supervisory visits to migration stations and migration checkpoints with a view to prevent the commission of human rights

violations against migrants detained in these sites. The Quinta Visitaduría General has established seven regional offices which included mobile offices intended to receive petitions and other support.

The National Human Rights Commission also recognized the importance of respect for cultural diversity in the country, particularly for indigenous peoples, through programmes aimed at combating discrimination. To this end, the Commission had established the *Programa de Asuntos Indígenas* which receives, transmits and examines petitions from indigenous peoples in relation to alleged violations of human rights, in particular relating to the protection of languages, cultures, customs, resources, religious and spiritual practices and specific forms of social organization.

With regard to the negative effects of financial crises on social and economic development, the National Human Rights Commission has recognized their destabilizing effects on the enjoyment of economic, social and cultural rights, the enjoyment of which represents the only way to eradicate inequalities that currently exist in Mexico. One example in this area has been the increase in the number and seriousness of complaints in relation to ineffective provision of health services. The provision of sufficient finance to these and other services would be essential to reverse such deterioration.

Oman

[Original: English]
[11 August 2005]

The Government of Oman noted that it, as other countries, was affected by globalization. Globalization affected people's commercial rights either as producers, exporters or consumers, as well as their relations with each other. Since opting for a market economy, Oman has abided by its commitments and has promulgated and enacted required laws, regulations and acts that are necessary to protect health and the environment. Oman has also legislated with a view to combating illegal commercial practices such as brand copying and fraud on a non-discriminatory basis.

The laws and statutes of Oman seek to uphold intellectual property rights. Oman has also enacted laws to protect consumers from commercial fraud, imitation products and deceit. The State's various standards and specifications and other technical regulations have provided for adequate protection for public health and safety, in conformity with the Agreement on Technical Barriers to Trade and the Agreement on Sanitary and Phytosanitary Measures of the World Trade Organization.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Globalization and its impact on the full enjoyment of all human rights

Report of the Secretary-General

Addendum

II. Replies received from Governments

Azerbaijan

[3 August 2005]
[Original: English]

1. The Government of Azerbaijan reported on national laws, rules and regulations that have promoted poverty reduction, investment liberalization, protection of the environment, the right to culture and the right to education. Azerbaijan noted that it has been faced with economic problems caused by the collapse of the Soviet Union and the activities of separatist movements.

2. Azerbaijan reported on several presidential decrees, programmes and other regulations in this regard. In relation to economic development and stability, a decree on economic development and poverty reduction has helped raise the level of investment in the country, the majority of which now comes from foreign sources. These and related reforms have led to the enhancement of living standards and an increase of 26.2 per cent in the monthly average salary in recent years. A further decree of 2004 on social and economic development has focused on the development of the provinces, with one of the main goals being support for the non-oil sector. This has the objective of establishing 600,000 new jobs. To date, 253,000 new jobs have been created, 133,000 of which are permanent. Licensing

* A/60/150.

05-47897 (E) 200905

requirements for foreign investment have also been reduced, making investment easier for enterprises.

3. Azerbaijan also indicated that State programmes on poverty reduction reduced poverty levels from 40.6 per cent in 2002 to 40.2 per cent in 2004. The Government has also increased assistance to refugees and refugees have access to social benefits and assistance for the purchase of housing and land.

4. In relation to environmental protection, Azerbaijan has ratified 18 international environmental treaties and has taken concerted action aimed at solving the country's environmental problems. Some steps include implementing a strategic plan of activities to protect the environment of the Caspian Sea and developing national plans on the prevention of oil pollution, the increase of fish stocks, regulation of dangerous and toxic wastes and the prevention of transborder river pollution. There have also been decrees to increase forest coverage, promote the rational use of pastureland, prevent desertification and promote the use of renewable energy sources.

5. Azerbaijan has also promoted the right to culture through programmes encouraging friendly relations between ethnic groups. The Government has also promoted the right to education, guaranteed in the national Constitution, through a joint programme with the World Bank that promotes learning through the use of new technology, better-qualified and more numerous teachers and new learning techniques while respecting the traditional methods and knowledge of Azerbaijan.

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Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance: strengthening of the coordination of emergency humanitarian assistance of the United Nations; special economic assistance to individual countries or regions

Humanitarian assistance and rehabilitation for selected countries and regions

Report of the Secretary-General**

Summary

The present report, prepared in response to requests made by the General Assembly at its fifty-seventh, fifty-eighth and fifty-ninth sessions, provides information on humanitarian and rehabilitation assistance given to countries undergoing or emerging from a humanitarian crisis induced by conflict or natural causes such as drought.

The report concludes with the recommendation that the situation in certain of these countries, which have passed the crisis stage and now benefit primarily from reconstruction and development assistance rather than relief aid, should no longer be considered under the agenda item entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance".

* A/60/150.

** The submission of the report was delayed because of the requirements of the consolidated reporting framework.

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I. Introduction

1. The present report is submitted to the General Assembly in compliance with its requests in the resolutions mentioned in section II below and provides information on relief and rehabilitation assistance supplied by the United Nations and its partners to countries affected by various types of natural and man-made disasters. In keeping with the request of the Assembly to the Secretariat to consolidate and streamline reports wherever possible, the country reports under the present agenda item have again been consolidated into a single document covering six countries.

II. Humanitarian and rehabilitation assistance to individual countries

A. Djibouti

2. By its resolution 58/116 of 17 December 2003, the General Assembly, inter alia, noted with satisfaction the implementation of a reform programme by the Government of Djibouti, and appealed to the international community to respond adequately to the financial and material needs of the country in line with the poverty reduction strategy paper.

Humanitarian situation

3. On 13 April 2004, widespread flooding affected Djibouti, especially the capital, Djibouti City. At least 60 people were believed to have been drowned by the torrential rains. Another 1,500 people were made homeless after rising waters washed away their homes. Many of the homeless, including Somali and Oromo refugees from neighbouring countries, had been living in the river wadis, or dry watercourses.

4. The Government of Djibouti appointed an ad hoc disaster management committee to address the situation. The committee informed both bilateral and multilateral partners of its intention to mobilize resources locally as the situation did not require the launch of a United Nations flash appeal. Short-term humanitarian needs were covered by the Government, donors and United Nations agencies, and included food aid distribution to more than 20,000 families, health and nutrition, malaria control and treatment, immunization activities, and water and sanitation programmes.

5. In the longer term, the Government of Djibouti sought $20 million to revive an earlier plan to permanently relocate people living in the country's main wadis, which fill during the rainy season, to higher ground, where they would be safer from flooding. That plan was first drawn up after a flood that killed nearly 100 people in the capital.

6. Djibouti is currently facing a severe food crisis in five of six rural zones as a consequence of three consecutive failed rainy seasons and worsening drought conditions. Delayed rains and erratic rainfall patterns have been insufficient to replenish water catchments or regenerate pastures. Pastoralists from Djibouti and neighbouring areas in Somalia, Eritrea and Ethiopia have been forced to continue

seasonal grazing in coastal Djibouti beyond the restorative capacities of the land. Pasture and browse areas are overgrazed and exhausted. Water catchments in the north-west and south-east pastoral zones are practically dry.

7. Since May 2005, the Government and the World Food Programme (WFP) distributed 421 metric tons of food aid. WFP has provided about 500 metric tons of mixed commodities. The United Nations Children's Fund (UNICEF) has provided $20,000 for fuel for generators that operate boreholes and $20,000 for other logistics support to the national office for response to disaster, and ordered nine generators and nine water pumps worth $150,000 to support existing wells/boreholes. The United Nations High Commissioner for Refugees (UNHCR) released $10,000 for emergency rehabilitation of existing boreholes. The United Nations Development Programme (UNDP) contributed $50,000 for coordination activities, including local capacity-building. The Office for the Coordination of Humanitarian Affairs fielded a humanitarian officer to provide technical assistance.

8. Immediate needs are mainly for food aid for 47,500 persons and the provision of water for 18,000 of those individuals. Water points and boreholes need rehabilitation and maintenance, and running costs must be provided. Supplementary feeding for 9,500 children is needed, as is medical care for 5,000 persons. Given the nomadic nature of the most vulnerable affected populations, mobile health services are the most appropriate option. Animal feed and emergency veterinary care for 50,000 head of livestock are an urgent requirement, as is the provision of water for livestock. Disaster management structures at the national and local levels need reinforcement.

9. The Government of Djibouti has instituted policy measures designed to relieve the high food prices and is working with the United Nations to increase access to food and water for the most vulnerable. Despite that assistance, the shocks occurring at the same time as the drought depleted the remaining resources available to pastoralists, and the Government therefore requested supplementary international assistance to respond to that added emergency. A flash appeal was launched on 27 April 2005 for $7,494,198 primarily for food and water for thousands of drought-stricken people. To date, 26.8 per cent of the needs have been funded.

Implementation of longer-term solutions

10. Floods and droughts are the symptoms of a systemic problem in Djibouti related to overuse of water resources and climate change. Recurrent droughts are resulting in increasing household food insecurity, malnutrition among children and women, and high child morbidity rates. This downward spiral needs to be addressed immediately through development efforts. The United Nations country team is therefore formulating a joint programme to address malnutrition and food security.

Economic reform programme

11. The Djibouti economy relies heavily on the services sector, which accounts for 80 per cent of gross national product (GNP) and 80 per cent of jobs. In addition to lacking natural resources, the primary and industrial sectors of the country are poorly developed, and represent 5 per cent and 15 per cent of GNP, respectively.

12. Djibouti's lack of resources and its strategic geographical position are important factors of its economy. Services make up about 70 per cent of the gross

domestic product (GDP) and are mainly centred on port activity and road and railway connections. Agriculture and industry make up only 3 per cent and 17 per cent of GDP, respectively. With little fertile land and limited rainfall (less than 0.3 per cent of land is arable), agriculture plays a limited role.

13. In 1996, the Government began implementing an economic adjustment and restructuring programme supported by the International Monetary Fund (IMF) and the World Bank, and also implemented reforms in the areas of public finance, social security, public enterprises, education and health. In 2000, the Government worked out a temporary poverty reduction strategy paper (PRSP), whose main objectives were to (a) boost economic growth; (b) develop human resources; (c) strengthen social services; and (d) modernize the State and promote good governance.

14. The results of the programme have been encouraging but are still insufficient. Macroeconomic progress has included reductions in the budget deficit and in the balance of current transactions, decreasing to 2.1 per cent and 4.3 per cent of GDP, respectively, in 2001. However, that progress was not accompanied by a reversal of the trend towards greater deterioration of the social situation. The data from the 2002 household survey, "Enquête Djiboutienne auprès des ménages", show that the incidence of relative poverty and extreme poverty during the period 1996-2002 has seen a dramatic rise, increasing from 64.9 per cent to 74.4 per cent and from 34.5 per cent to 42.2 per cent, respectively. The results also show that poverty is generalized and touches all socio-economic categories of society.

The poverty reduction strategy paper

15. Recent studies have shown the structural character and the massive extent of poverty in Djibouti, making it imperative to develop and implement a poverty reduction strategy. In 2003, Djibouti adopted a poverty reduction strategy paper, "Cadre stratégique de lutte contre la pauvreté", which was officially endorsed by the international financial institutions in June 2004. The strategy rests on a long-term vision that capitalizes on the strategic assets of the country, as well as policies and reforms conducive to long-lasting equitable economic growth and decrease in unemployment.

16. The poverty reduction strategy paper rests on four pillars. The first pillar seeks to strengthen the competitiveness of the country and create conditions conducive to strong and sustainable economic growth through: (a) the pursuit of stabilization policies in the macroeconomic framework and structural reforms; (b) the implementation of a judicial and institutional framework that attracts investment and removes obstacles to private sector development; (c) the promotion of Djibouti as an economic and financial platform competitive at the regional level, and optimal exploitation of the growth potential of the country; and (d) the construction of infrastructure and the reduction of costs of production factors.

17. The second pillar seeks to accelerate the development of human resources through a programme targeted at poverty areas and vulnerable populations, including: (a) improving access to health care and education for the poor; (b) implementing an employment promotion policy through the development of high intensity methods for manual labour, promotion of microfinance, development of job training and support of sectors which directly benefit the poor (agriculture, husbandry, etc); and (c) setting up social protection nets for the most vulnerable

segments of the population (children living on the streets, nomads and the homeless). The strategy specifically targets women.

18. The third pillar seeks to reduce poverty, particularly improving access to water, food security and basic services for the poor. The policies and programmes will centre on the four outlying areas of Djibouti City (districts 4 and 5, notably), on cities in the interior and on rural areas.

19. The fourth pillar seeks to promote good political, local, economic and financial governance, strengthen capacities for planning and administrative management, and modernize its ways and means. The priority is to better manage public expenditure and improve its equity and effectiveness in order to create a true instrument for combating poverty.

20. United Nations agencies have provided a coordinated response to the financial, material and technical needs of Djibouti through the United Nations Development Assistance Framework (UNDAF), 2002-2007. The United Nations country team is in the process of aligning UNDAF to the Djibouti poverty reduction strategy paper through the UNDAF mid-year review, to be finalized in November 2005.

B. Ethiopia

21. By its resolution 59/217, the General Assembly, inter alia, called upon the international community to respond to the 2005 joint appeal of the United Nations and the Government of Ethiopia for emergency assistance for Ethiopia, covering food and non-food needs, encouraged the international community to support the programme prepared by the New Coalition for Food Security in Ethiopia and called upon all development partners, in cooperation with the Government of Ethiopia, to integrate relief efforts with recovery, asset protection and long-term development.

Emergency and longer-term food security responses

22. In 2004, an effort was made to differentiate between the chronically and acutely food-insecure populations, and two complementary action plans were developed. The 2005 humanitarian appeal was designed to address the acute needs of the unpredictable food-insecure population, while the Productive Safety Net Programme tackled longer-term food security needs.

23. The objective of the Programme was to provide approximately 5 million chronically food-insecure people with assistance in the form of cash or food for labour, while the humanitarian appeal aimed to provide an additional 3.1 million people with emergency food and non-food assistance, aimed at saving lives and protecting livelihoods. While the total number of food aid beneficiaries covered by the two plans rose slightly to 8 million people, the number of beneficiaries covered under the 2005 humanitarian appeal was substantially lower than the 7.8 million beneficiaries in 2004.

24. The Government of Ethiopia officially launched the Programme on 16 February 2005 and transfers to beneficiaries began in April. Initial delays in initiating cash transfers to many cash beneficiaries put stress on the chronically food-insecure (70 per cent of the 4.8 million beneficiaries are cash beneficiaries). To address the situation, blanket supplementary food was available on request in areas of high malnutrition within safety net *woredas* (districts). In June, a one-off transfer

of cash to beneficiaries equivalent to three months worth of allocation was provided to make up for delays. The number of safety net beneficiaries was also revised in June to 4.8 million, to include a 20 per cent contingency in the Amhara region, which, if applied to all regions, would raise the number of beneficiaries to 5.4 million.

25. The humanitarian situation began to show signs of deterioration in early 2005, with data indicating acute malnutrition, rising concern about the survival of children in some areas, worsening food security conditions and general stress among the vulnerable population in hotspot areas. In contrast to previous years, when only limited nutrition information was available, the Enhanced Outreach Strategy/Child Survival Initiative (EOS), combined with a multitude of nutrition surveys, provided detailed information on the nutritional status of children. By May 2005, 136,000 children in the most vulnerable areas were severely malnourished. It was estimated that that figure could grow to 370,000 if the trend continued. Global acute malnutrition rates were well above emergency threshold levels in a number of areas, reaching more than 15 per cent.

26. In the light of the situation, a flash update to the humanitarian appeal was issued in May 2005. The number of food aid beneficiaries was increased from 3.1 million to 3.8 million. Non-food needs, which had been seriously underfunded, were also increased from $112 million to $135.6 million.

27. The donor response to the food component of the flash update dramatically improved in mid-2005. By June, emergency food requirements for 2005 had been exceeded, but needs were expected to grow. Funding for targeted supplementary feeding within the EOS programme had likewise significantly improved, but the non-food element of EOS had received just 20 per cent of the necessary funding and required immediate investment to achieve its objectives. The non-food sector in total was only 48 per cent funded.

28. The results of the June 2005 crop and pastoral area assessments found that an additional 471,510 new beneficiaries will require food aid for the second half of 2005 due to localized failure of the mid-year harvest. From August 2005 to December 2005 approximately 3.3 million people will continue to need emergency relief assistance.

29. Extensive flooding in May affected an additional 55,000 vulnerable people in the Somali, Oromiya and Southern Nations, Nationalities and People's Regions. At the same time, the rains brought some drought relief to parts of the country, particularly lowland/pastoral areas that had suffered from several consecutive years of drought. Pasture in those areas has been rejuvenated and water sources replenished. Many of the *belg*-producing areas also received good rainfall.

30. In addition, there are concerns for internally displaced people (IDPs) in eastern Oromiya, the Somali region and the Gambella region, where conflict and ethnic tensions have caused displacement. Limited access to some populations in Gambella, coupled with a lack of adequate support and in some cases lack of official recognition of the displaced, has left many IDPs without food and other basic items. This situation reflects a more general challenge of providing assistance to those displaced from their home communities in the absence of clear policies and responsibilities regarding IDPs.

31. United Nations agencies continue to monitor the Ethiopia-Eritrea border demarcation process, and maintain preparedness to support humanitarian interventions for populations affected by changes in the situation in the border area.

Conclusions

32. While progress has been made in developing complementarity between the humanitarian appeal and the Productive Safety Net Programme, inadequate support for the humanitarian appeal and delays in the implementation of the Programme did not allow for a timely response to the growing food security crisis and rising malnutrition rates in early 2005. Key lessons have been learned and actions will be taken to ensure that the two programmes are more closely linked and managed in 2006.

33. Drought remains a chronic hazard in Ethiopia, and is related to the erosion of the natural resource base through the pressure of high population growth, deforestation, desiccation of water resources, insufficient family farming plots and climate change. Recurrent droughts cause increased vulnerability, and people sell household assets as a coping mechanism. The downward spiral needs to be addressed immediately through development efforts.

34. As efforts to address longer-term food insecurity progress, shocks will continue to have the potential to place hundreds of thousands of the rural poor in acute need of humanitarian assistance. Consequently, the Government and the international community must support and strengthen emergency management capacities and provide humanitarian relief, but in a way that supports longer-term solutions to food and livelihood insecurity.

C. Kazakhstan

35. By its resolution 57/101, on international cooperation and coordination for the human and ecological rehabilitation and economic development of the Semipalatinsk region of Kazakhstan, the General Assembly requested the Secretary-General to report at its sixtieth session on progress made in the implementation of that resolution. This report summarizes actions undertaken in the past three years by the United Nations system, the Government of Kazakhstan and the international community in the Semipalatinsk region, and concludes that the efforts have not been sufficient to mitigate the suffering caused by years of nuclear testing.

Economic and social conditions

36. The Semipalatinsk nuclear testing area is a lingering consequence of the cold war. Between 1949 and 1989, 468 nuclear tests, including 125 above-ground tests, were conducted in this 18,500 km^2 polygon. Although this area was developed and used exclusively by the Soviet Union, the burden of dealing with the consequences fell on Kazakhstan when it gained independence in the early 1990s.

37. This burden is significant: an estimated 1,323,000 people were negatively affected by the tests, and many continue to suffer today. While the national mortality rate in 2003 from oncological diseases was 126 per 100,000 people, the rate was 163 and 189 per 100,000 people, respectively, in the Pavlodar and East Kazakhstan *oblasts*, where the nuclear test site was located.

38. Recognizing the international responsibilities connected to Semipalatinsk and the severity of the health, environmental and social problems there, the General Assembly adopted four resolutions between 1997 and 2002 calling on the international community to assist the Government of Kazakhstan in its efforts to overcome those problems.[1]

39. In September 1999, an international conference on Semipalatinsk was organized in Tokyo to consider the Semipalatinsk Relief and Region Rehabilitation Programme. The programme consisted of 38 impact-oriented projects valued at $43 million for relief and rehabilitation in five main areas: health, environment and ecology, economic recovery, humanitarian support, and information and advocacy. In response, the international donor community pledged more than $20 million in assistance. Since then, numerous projects have been supported by the Government of Kazakhstan and the international community to help rehabilitate the region. Although much has been accomplished, the severity of the problems has thus far outweighed the efforts to resolve them.

40. Thus, in its resolution 57/101, the General Assembly stressed again the need for continuing international attention to address the problems of the Semipalatinsk region, further urged the international community to provide assistance and invited all Member States to share their knowledge and experience in order to contribute to the rehabilitation and economic development of the Semipalatinsk region.

Institutional framework for assistance to Semipalatinsk

41. Prior to the Tokyo conference in 1999, the Government in Kazakhstan formed an interministerial commission to develop a comprehensive plan of action and secure donor funding for Semipalatinsk. Although that commission presented a list of high-priority projects and secured funding from the donor community in Tokyo, implementation of the programme has been somewhat fragmentary in nature, due to insufficient financial resources to tackle numerous high-priority problems simultaneously, high turnover among responsible staff members, unfulfilled commitments by donors, numerous smaller ad hoc projects being undertaken by local bodies and non-governmental organizations outside the main programme, etc.

42. Partly because of those problems and partly due to the growing capacities and prosperity of Kazakhstan stemming from international investments and oil sales during the past six years, donor interest and assistance to Semipalatinsk has waned in recent years.

43. In an effort to revive interest and to better coordinate Semipalatinsk activities, the Kazakhstan Ministry of Foreign Affairs and UNDP organized a local donor meeting in Almaty in February 2004 to take stock of what had been accomplished, set priorities for further actions, and present additional high-priority projects to the donor community. The donor community indicated that with a vibrant and growing economy and significant State resources, the Government needed to take the lead in setting the agenda for Semipalatinsk, coordinating assistance and demonstrating its commitment through supporting rehabilitation efforts with State resources.

44. In follow up to that meeting, the Government developed a new programme for the period 2005-2007 to address solutions for problems of the former Semipalatinsk nuclear test site (for more detail, see paras. 59 and 60 below).

Donor assistance to the Semipalatinsk region

45. Through the 1999 Tokyo conference, more than $20 million was pledged by the international community, including the Governments of Japan, the United Kingdom of Great Britain and Northern Ireland and Switzerland, the World Bank, United Nations agencies, Counterpart International and the International Federation of Red Cross and Red Crescent Societies (ICRC). Most pledges were received, but were considerably less than what is needed and some pledges remain unfulfilled.

46. This section provides a summary of progress made in implementing the Semipalatinsk Relief and Rehabilitation Programme since the last report to the General Assembly in July 2002.[2] Unfortunately, most donor programmes are now coming or have already come to an end, despite serious problems in the areas of health, environmental degradation and economic development. More important, there are no indications that the trend of reduced support will end. Fewer organizations are offering support and the magnitude of support is considerably smaller.

47. It should be noted that non-governmental organizations and local authorities independently implement projects, and thus the information provided here may not provide a complete picture of all assistance.

Health sector

48. The Japanese Government has supported a major project on the improvement of the regional health-care system in the Semipalatinsk region, which will end in 2005. It provides medical assistance to help improve health checks, diagnosis of illnesses, data processing for systemic studies, etc.

49. The European Commission, through its Technical Assistance to the Commonwealth of Independent States (Tacis) Programme, is implementing an institution-building project to improve women's awareness of their reproductive health rights, train medical personnel on the human rights of women, introduce the concept of low-risk pregnancy and promote intervention-free childbirth. Tacis will also fund a nuclear safety project on the theme "Support for implementing an aero-gamma survey of the Semipalatinsk test site".

50. UNICEF has supported various initiatives, covering areas such as developing child-friendly curriculums, promoting improved parenting skills, training trainers for doctors and nurses, and working with children with special needs to develop alternatives to institutionalization. UNICEF intends to continue developing peer education and life skills-based health education in cooperation with non-governmental organizations (NGOs).

51. The United States Agency for International Development is implementing a community-oriented primary care project in association with the American International Health Alliance. This project is based on a model family medicine centre in Astana. Local clubs offer a wide range of health education training, counselling and other health-related activities.

52. The National Red Crescent Society (RCS) of Kazakhstan is implementing three projects in the health sector focusing on tuberculosis prevention, safe motherhood and community-based primary care in rural areas and villages. These projects have been under way for four years and will continue for another two years,

with support from the Japanese Red Cross. The RCS also works to raise public awareness on and improve public preparedness for emergencies, and currently supports two projects on the themes "Public confidence", which includes training on emergency responses, and "Mitigation", which includes clearing burnt wood and planting pine trees.

53. Finally, two projects have recently been finalized, on the themes "Rights of women and social partnership" and "Voice-Protection of voters' rights", which are financed by the European Union through the European Initiative for Democracy and Human Rights.

Humanitarian sector

54. The Government of Switzerland recently completed a project targeting vulnerable groups, in which support was given to small projects in the amount of $20,000. Those grants also targeted vulnerable groups by, for example, supplying orphanages with equipment such as laundry machines, computers, etc.

55. The Canadian International Development Agency, through the Canada Fund for Local Initiatives, supported two small projects on sustainable agricultural development implemented by the "Umit Tani" Centre for children, orphans and invalids in Semipalatinsk city.

Environmental sector

56. The United Kingdom Department for International Development is currently completing an environmental project on the theme "Preparation and implementation of a participatory land use plan for the Semipalatinsk test site". This project aims to develop and implement a participatory land use plan for areas that are safe for people and their animals. The plan will be developed in conjunction with local inhabitants so that it can be applied through present administrative structures based in the East Kazakhstan, Karaganda and Pavlodar *oblasts*.

57. The Organization for Security and Cooperation in Europe (OSCE) makes scientific data from environmental mapping of residential and public premises in towns adjacent to the Semipalatinsk nuclear test site available in a user-friendly way. In 2005, OSCE is conducting a summer camp for teenagers from villages near the test site to raise awareness about the environmental situation and sustainable development.

Economic sector

58. The UNDP Semipalatinsk programme was funded by the Government of Japan, which contributed $1.1 million through the Trust Fund for the Semipalatinsk Relief and Rehabilitation Programme, a fund created by UNDP in response to United Nations resolutions calling for international assistance. This programme, which ends in 2005, included three sub-projects: microcredit for women, small grants for non-governmental and community-based organizations, and business advisory services. According to an independent evaluation conducted in 2004, this programme made substantial progress in helping to alleviate poverty and raise living standards among targeted groups such as women, small-scale entrepreneurs and rural people.

Priorities for further action

59. In 2005, the Government of Kazakhstan is launching a programme to address the problems of the former Semipalatinsk nuclear test site during the period 2005-2007. The main goal is to improve the ecological, economic, medical and social factors affecting the living standards of population in the region. The expected results are (a) a reduction in morbidity rates; and (b) a more secure situation with regard to radiation, which would be met by undertaking activities in the areas of medical rehabilitation; radiological assessment and security; social infrastructure development; and scientific and technical diversification.

60. The Government of Kazakhstan is expected to provide KZT 2.47 billion (approximately $18.9 million) to finance this programme. Because it is a State programme, it outlines only activities and support from the Government itself and does not indicate what role other actors such as donors, non-governmental organizations and the private sector could play. The programme could be strengthened by including those actors and providing measures to better coordinate their activities.

Conclusion

61. The situation in the Semipalatinsk region remains critical with more than 1.3 million people still suffering from the effects of almost 40 years of nuclear tests. The Semipalatinsk polygon has yet to be secured, the local economy is still suffering from the collapse of the Soviet Union, and high morbidity and mortality rates illustrate the high price paid by local people for this legacy of the cold war.

62. The Government of Kazakhstan and the international community have made some efforts to ameliorate these problems from the days of the Soviet Union. The Government has implemented numerous programmes and has developed a programme to address the problems of the former Semipalatinsk nuclear test site during the period 2005-2007. The donor community has delivered a substantial amount of assistance since the Tokyo conference in 1999. However, much remains to be done. Member States, in partnership with the Government of Kazakhstan, should strengthen their efforts to assist the people of Semipalatinsk.

63. In implementing the new programme, the Government of Kazakhstan will be able to provide much-needed assistance in the areas of medicine, radiology, science and social welfare. Under the umbrella of this programme, the Government also has the opportunity to renew its efforts to coordinate assistance from State resources and the international community. That could be done through establishing a multi-stakeholder coordination mechanism that includes relevant Government ministries, donors, local governments and civil society organizations. The Government of Kazakhstan may call on the United Nations Resident Coordinator and UNDP in Kazakhstan to assist in the effort.

64. With the Government taking a stronger role in delivering and coordinating assistance, Member States should take complementary actions. In particular, donors and members of the Commonwealth of Independent States must continue to recognize their special obligations to the people of Semipalatinsk, whose suffering stems from the cold war. Member States should first and foremost fulfil all previous pledges, and second, consider what additional expertise and/or resources they could offer to lessen the suffering in Semipalatinsk.

65. The recent economic prosperity experienced by Kazakhstan is insufficient to resolve the deeply rooted and highly technical problems of radioactive contamination in the Semipalatinsk region. The Government of Kazakhstan is demonstrating its commitment to Semipalatinsk with its new programme. With assistance, and in partnership with other Member States, this commitment could produce better results than those that have been achieved thus far.

D. Rwanda

66. By its resolution 59/137, the General Assembly, inter alia, invites agencies, funds and programmes of the United Nations system to continue to develop and implement programmes in support of survivors of the 1994 genocide, utilizing existing resources and encouraging the mobilization of additional voluntary contributions, and requests the Secretary-General to report to the sixtieth session of the General Assembly on the implementation by United Nations agencies of programmes aimed at supporting vulnerable groups.

Background

67. The United Nations returned to Rwanda in the wake of the 1994 genocide and immediately started rehabilitation and reconstruction efforts. The most pressing effort was supporting the Government to re-establish law and order, providing relief to a traumatized populace, and supporting the rehabilitation of basic services. The emergency phase that started immediately after the genocide and the development phase that later followed manifested the strong involvement of United Nations agencies. The United Nations country team has actively mobilized resources to scale up United Nations support to survivors of the 1994 genocide in Rwanda.

68. Rwanda, with support from the international community, has made significant progress in areas of rehabilitation, reconstruction, reconciliation and social and political justice. During these years of recovery, and under extraordinarily difficult circumstances for the country, the United Nations system has partnered with the Government and people of Rwanda, making laudable contributions towards positive change and development.

The response of the United Nations country team

69. The United Nations country team paid particular attention to the resettlement of vulnerable groups such as orphans, widows, returnees and internally displaced persons during the rehabilitation and reconstruction process. Technical and financial support was provided by various United Nations agencies in the formulation and implementation of social and economic policies that benefit the poor and disadvantaged. This support resulted in policies on good governance, gender equality and empowerment, and strengthened capacities of the Government to address economic and social challenges.

70. The past 11 years have witnessed increased commitment by the United Nations country team in the areas of institution-building and infrastructure development, health and education, the fight against HIV/AIDS, democratic governance, the reconciliation process and the justice system, which are fundamental to human development and rights-based approaches.

71. The daunting challenge of rebuilding a country devastated and traumatized by genocide can only be met by continuous collaboration and partnerships with development partners, civil society groups and the Government and people of Rwanda.

United Nations system support targeted at vulnerable groups: orphans, widows and victims of sexual violence

72. United Nations system support has included the areas set out below.

Education for orphans

73. UNICEF has been working on the development of a national policy for orphans and vulnerable children and on the integration of a costed programme and action plan in the strategic plan for the education sector.

74. In addition, a number of complementary education "catch-up" programmes for orphans and vulnerable children have been developed and implemented.

75. In order to promote a child-friendly environment for orphans, vulnerable children and girls, a number of "safe spaces" have been established in selected pilot schools, and a mentoring and peer support programme has been put in place on a pilot basis in 50 schools.

Medical care and treatment for victims of sexual violence, including HIV positive victims

76. The International Criminal Tribunal for Rwanda has established a medical unit in its offices to ensure physical and psychological support to witnesses confirmed to appear before the Tribunal. Health care includes HIV/AIDS treatment and counselling for victims of gender-based violence.

77. The World Health Organization (WHO) has been supplying the Hope Clinic, which targets the Rwanda Women's Network, which gives support to women victims of violence during the 1994 genocide with medical supplies and laboratory equipment.

78. It has also been providing free drugs for HIV/AIDS treatment to AVEGA, the Association of widows of the 1994 genocide.

79. The United Nations Population Fund (UNFPA) has supported a prevention, care and treatment programme for victims of sexual violence in health institutions and local communities.

80. UNICEF has supported a paediatric care and support programme for children infected and affected by HIV/AIDS, which included the development of a policy on paediatric care and treatment.

81. UNDP and the United Nations Development Fund for Women are supporting a project on the theme "Enhancing protection against gender-based violence". This has included sensitization activities regarding victims and access to legal advice, as well as the strengthening of law enforcement bodies.

82. UNIFEM supported a study by African Rights ("Broken bodies, torn spirit: living with genocide, rape and HIV/AIDS"), which aimed to create awareness of the plight and suffering of Rwandan women.

Trauma and psychological programmes for genocide survivors

83. UNICEF is supporting children in need of psychosocial rehabilitation through the establishment of guidance and counselling desks in schools and the establishment and promotion of child participatory activities, including sports and recreation. Child protection networks have also been set up and training on dealing with trauma has been carried out with refugee families at community levels.

84. WFP is carrying out "food-for-training" programmes aimed at improving self-reliance of households affected by HIV/AIDS as a result of sexual violence during the genocide.

85. WHO is carrying out research on the effect and extent of violence on women during the 1994 genocide.

86. WHO has also elaborated a document on the management of trauma victims, and has trained trauma counsellors on how to address post-traumatic stress disorder. Trauma counsellors have been supported to provide counselling to members of families affected.

87. It has also strengthened capacities at local levels for trauma victims to receive treatment during the ongoing Gacaca trials (traditional court system), and has carried out capacity-building activities for staff working at the psychosocial centre, a referral centre for psychosocial problems.

88. UNFPA, WFP and UNIFEM have provided skills-training and microcredit programmes to promote self-sufficiency, targeted at women and child-headed households.

E. Somalia

89. By its resolution 59/218, the General Assembly, inter alia, urged the international community to implement its previous resolutions in order to assist the Somali people in embarking on the rehabilitation of basic social and economic services, and urged the international community to provide as a matter of urgency humanitarian assistance and relief to the Somali people to alleviate in particular the consequences of the prevailing drought.

Security conditions

96. Insecurity resulting from inter- and intra-clan conflict continued to prevail in many parts of Somalia, particularly in the south and central regions. The highly volatile security environment continues to restrict access to those communities, which remain vulnerable to harassment, exploitation and extortion. In the absence of a functioning government, clan-based groups have taken on the responsibility of providing security to their community with varying degrees of success.

91. General insecurity also affects humanitarian aid workers. In addition to traditional threats such as extortion, kidnapping and violent clashes, the perceived rise in militant fundamentalist groups presents another threat to humanitarian workers. Insecurity heightened in Mogadishu between January and April 2005, following the murder of two humanitarian aid workers and wounding of six others. In other areas of the southern and central regions, access has been seriously

disrupted while humanitarian needs have increased, particularly in the Gedo, the Middle and Lower Juba, and the Galgaduud regions.

92. The difficult operating environment led to enhanced measures to ensure the security of humanitarian workers, including the use of armed escorts. While those measures have helped reduce the risk to humanitarian staff, they have substantially increased agency operating costs. Given the security implications and the growing threats to the safety of aid workers, addressing security concerns is of prime importance for the delivery of humanitarian assistance. Limited resources to strengthen security and safety measures for humanitarian actors will heavily impact on the delivery of aid in Somalia by both the United Nations and the international NGO community.

Humanitarian issues

93. Humanitarian partners continued to respond to the humanitarian needs of an estimated 900,000 Somalis, including 500,000 affected by drought and between 370,000 and 400,000 IDPs. The volatile operational environment, marked by chronic insecurity, particularly in the centre and south, often obstructed access to those communities. UNICEF and WFP provided assistance in the food, health and nutrition, water and shelter sectors, in collaboration with partner NGOs. ILO labour-intensive projects have contributed to creating employment opportunities. The Office for the Coordination of Humanitarian Affairs Humanitarian Response Fund continued to provide resources to bridge gaps in the humanitarian response.

94. The north-eastern coast of Somalia was affected by the Indian Ocean tsunami of 26 December 2004. An inter-agency assessment mission conducted in February 2005 reported that a total of 44,000 people had been affected, but that critical humanitarian needs such as food, shelter, water, health and non-food items had been largely met by the quick humanitarian response of United Nations agencies, local communities and NGOs. The generous and timely response of donors largely facilitated the interventions. The mission found that roughly 5 per cent of the affected population were in a state of humanitarian emergency, while 40 per cent are experiencing a livelihood crisis, as fishing boats and equipment were damaged or lost (the majority of the local communities relies on fishing as its primary source of income). Approximately 50 per cent of that group requires resources until the start of the next fishing season in October 2005. Continued relief and livelihood assistance is therefore required. United Nations agencies and NGOs have already embarked on recovery and development programmes focused on shelter construction, environmental assessments, water and sanitation, health, rehabilitation of schools and infrastructure.

95. Heavy rains and flash floods hit areas in Somaliland and Puntland, causing widespread damage to infrastructure. Humanitarian agencies were quick to respond in cooperation with the local authorities, and plans are ongoing for the reconstruction and rehabilitation of some of the damaged infrastructure, including strengthening river embankments and dams in Hargeisa in Somaliland, and rehabilitating roads in Bari and Nugal in Puntland.

96. Despite a poor start to the 2005 *gu* season (long rains from March to June), above normal amounts of rainfall in the Ethiopian catchments of the Shabelle and Juba Rivers led to rising river levels in southern Somalia, which in turn resulted in some of the worst localized flooding in several years. United Nations agencies,

NGOs, the ICRC and the Somali Red Crescent Society are working with local authorities to undertake assessments and interventions.

97. In mid-April 2005, cross-border intra-clan fighting in the Gedo region resulted in the displacement of an estimated 10,000 to 15,000 people. This region has the highest malnutrition rates in Somalia (up to 23 per cent) due in part to chronic food insecurity. Continued tensions still impede humanitarian access. The Office for the Coordination of Humanitarian Affairs has initiated discussions for humanitarian access, which would enable a situation assessment and delivery of assistance.

Food security

98. The effects of more than three years of drought continue to be felt in Somalia. In late February 2005, the FAO Food Security Analysis Unit (FSAU) released its post-*deyr* analysis, which estimated that almost 500,000 people remain in a humanitarian emergency and livelihood crisis, with the most vulnerable in central and southern regions. Recovery is slow, as pastoralists have been unable to fully benefit from the improved conditions because of significantly reduced herd sizes, excessive debt levels and widespread and diffused destitution. Recovery is also hampered by recurrent civil strife, which limits access to markets, grazing and other resources.

99. The *deyr* 2004/05 cereal production fell to its lowest post-war production level in Juba and Shabelle due to inundation and localized floods as a result of above normal *deyr* rains. The Juba and Shabelle Valleys continue to be a cause of concern because of the poor performance of the 2005 *gu* rains. Normally, the *gu* season represents between 70 and 75 per cent of total annual food and fodder production. The Famine Early Warning System Network forecasts indicate that most parts of the agricultural areas in southern Somalia have received about 50 per cent of the anticipated rainfall. That will affect cereal production, availability and prices during the *gu* and the following *hagai* (dry) season. However, pastoral areas in the Lower Juba region received good rains, which are improving rangelands and livestock conditions.

100. The FSAU May 2005 nutrition update reported an overall improvement in the nutrition situation in northern Somalia and the Hiran region, linking the progress to ongoing humanitarian interventions in the regions. Organizations implementing food for work and cash transfer projects have also helped to offset debts and improve dietary intake. Notwithstanding that progress, continued assistance to those communities will be required in order to have a significant impact on livelihoods.

Economic situation

101. United Nations agencies and NGOs continue to be instrumental in assisting vulnerable rural and urban communities in rehabilitating, operating and maintaining their water supply systems, promoting hygiene and sanitation and assisting in the rebuilding of infrastructure.

102. The rehabilitation of the Dududle Canal in Jowhar, undertaken by the local administration and community with the support of WFP and UNDP, is the first development project in the central/south region in two decades, allowing for the regeneration of what was the most fertile part of Somalia, well known for its agricultural produce, which was exported to other countries in the region and

African countries. The collaborative effort created immediate employment opportunities (750 labourers) and has the potential to benefit more than 50,000 people by allowing access to water for irrigation and averting perennial flooding. Some 1,200 families are already drawing water from the canal, and that number is expected to increase as the subsequent irrigation gates off the canal are rehabilitated.

103. The private sector and remittances continue to buoy the Somali economy. However, there is a lack of institutional support to facilitate the development or regulation of private entrepreneurship. Moreover, the economy and a large proportion of the population remain vulnerable to shocks such as bans on the importation of Somali livestock, and natural disasters such as drought, floods, unseasonable weather and tsunamis.

104. To encourage economic diversification and to allow Somalis to benefit from their coastal waters, fishing sector assessments have been completed for Somaliland, Puntland and the central/south regions. The Somali coastline, the longest in Africa, thus far has been subject to illegal, unreported and unregulated fishing activities and so far has not been utilized in its full development potential. The assessments will help inform a coherent and sustainable strategy to develop a commercially viable fisheries sector.

Conclusions

105. The effectiveness of the response to the tsunami can be attributed to four main factors: (a) the quick response by the local communities, which offered the first line of assistance; (b) the quick response by the aid community, despite various access problems; (c) pre-positioned stocks, which allowed for the quick transfer of aid; and (d) the generous and timely response by donors. The recurrence of similar events remains a possibility and early warning and preparedness systems for natural disasters need to be put in place. The United Nations is currently working to update the inter-Agency action plan for flood forecasting, preparedness and response for the Juba and Shabelle Rivers.

106. Although more than three years of drought have officially come to an end and efforts to address longer-term food insecurity in the country are progressing, the probability that such events could recur remains significant, with the potential to place hundreds of thousands of people in acute need of humanitarian assistance. Consequently, the authorities and the aid community must continue to support a strategy of providing humanitarian relief where needed and strengthening longer-term strategies to find solutions to food and livelihood insecurity. It will also be important to support the strengthening of security and safety measures for humanitarian workers on the ground.

F. Timor-Leste

107. By its resolution 58/121, the General Assembly, inter alia, urged the international community to continue to support the Government and the people of Timor-Leste in their endeavours towards self-sustainable nation-building and in facing the remaining vulnerabilities in all sectors, national reconciliation and the voluntary return of the remaining refugees to Timor-Leste and sustainable development.

Economic, social and political developments

108. The Government and people of Timor-Leste should be commended for the peace and stability they have achieved in the country, as well as for their continuing efforts towards consolidating democracy, strengthening State institutions, institutional capacity-building and social and economic development, especially towards meeting the Millennium Development Goals. The Millennium Development Goals have been intrinsically linked to the national development plan of the Government. That progress has been made possible through the commitment of the international community, the United Nations, other intergovernmental organizations, Member States and non-governmental organizations to self-sustainable nation-building and nationwide capacity-building in all sectors. At the same time, it is important to acknowledge the ongoing challenges, including the need for continued assistance to ensure sustained development, mainly in the areas of the rule of law, justice, human rights and support for the Timor-Leste police and other public administration; continued rehabilitation of infrastructural needs; provision of health services to the general population, including the rebuilding of hospitals; support to secondary and higher education; attention to psychosocial support, particularly children affected by violence; and greater participation of the women of Timor-Leste in all aspects of society, together with the need to address gender issues, including legislation to combat domestic violence and other gender-related crimes.

109. It is also important to further welcome the significant achievements of the Commission for Reception, Truth and Reconciliation and its ongoing work on facilitating national reconciliation and the return of refugees to Timor-Leste. The final report is due to be completed by September 2005. Commitments to cooperate in other areas were also made at the recently concluded third meeting of the Joint Ministerial Commission for Bilateral Cooperation in Jakarta on 7 and 8 July 2005. A number of outstanding bilateral issues were discussed, such as border issues, trade and finance, legal matters, social, educational and cultural issues, and transport and communications. Regarding the border demarcation issue, both sides have agreed that the first marker would be placed in Montaan in Bobonaro District in mid-August and 44 markers will be in place by the end of September.

110. Also noteworthy is the commitment and contribution made by the Government of Indonesia and the international community to the Special Fund established for former employees and pensioners of the Government of Indonesia in Timor-Leste and the strong support provided by UNDP in disbursing funds from the Special Fund. The international community is strongly encouraged to consider increasing its contributions to address this ongoing need. In September 2003, the second meeting of the Joint Ministerial Commission for Bilateral Cooperation between Indonesia and Timor-Leste, which emphasized the importance of good relations and of further enhancing and facilitating cooperation in all areas of common interest, was most welcome.

111. With respect to recent political developments, through the efforts of the United Nations, with UNDP technical assistance, elections at the local level for village chiefs and sub-village chiefs were successfully held in 11 out of 13 districts. The remaining two districts will hold elections in September 2005. The Government has since requested electoral assistance in building democratic institutions in Timor-Leste from the United Nations and also for drafting the electoral laws and procedures needed for the national elections scheduled for 2007. This has been met

with positive and willing response from the Office of the Special Representative of the Secretary-General.

112. Other significant developments in strengthening the legal and institutional framework include the establishment of two organs provided for in the Constitution, namely the Superior Council for Defence and Security and the Council of State. The establishment of those two bodies would provide the President of the Republic with the institutional support to carry out his mandated role.

113. Following some earlier tensions, relations between the State and Church have normalized and the much-improved internal security situation remains calm and peaceful. Mechanisms have also been put in place to curb the activities of martial groups through the initiative of President Gusmão, who has brokered a Joint Declaration with those groups aimed at preventing, reducing and eradicating acts of violence.

114. A number of pieces of legislation have recently received parliamentary approval, including the law on petroleum activities concerning the granting of access and drilling licenses and other industry regulations, 23 parliamentary resolutions to ratify the conventions on privileges and immunities of the United Nations and of the specialized agencies, and the parliamentary authorizations for the Government to pass the Penal Code, Criminal Procedure Code and Civil Procedure Code by way of Government Decree-Law without being debated in Parliament.

115. The United Nations continues to make a significant contribution to the social and economic development of Timor-Leste and in guiding the country towards meeting the Millennium Development Goals. The United Nations Mission of Support in East Timor (UNMISET), which concluded in May 2005, has been succeeded by a special political mission, the United Nations Office in Timor-Leste (UNOTIL), with a new mandate until May 2006. UNOTIL will continue to support the development of critical State institutions; further development of the police; training in observance of democratic governance and human rights; and monitor and review progress of its mandated multifaceted activities. UNOTIL will continue to coordinate all United Nations activities in Timor-Leste, with particular attention to safety and personnel and planning for a smooth and rapid transition from a special political mission to a sustainable development assistance framework. That work is being carried out in close cooperation with the Government and the United Nations agencies and funds. A strategic framework for broader sustainable development assistance has already been initiated, with specific focus on institutional capacity development in the areas of public financial management, the rule of law and justice and democratic governance. A major objective of this renewed strategy is to continue to develop the capacity of Timorese civil servants and State institutions and to achieve improved coordination among all stakeholders.

III. Observations

116. In the situation of Djibouti, the crisis situation that gave rise to the provision of special economic assistance has essentially stabilized. While residual humanitarian and rehabilitation assistance for the international community may be required, the bulk of international aid should be geared towards sustainable economic development. Accordingly, it is recommended that, following the debate on special economic assistance to individual countries or regions at the current

session, the Assembly no longer consider the situation in Djibouti under that agenda item.

Notes

[1] The General Assembly resolutions on Semipalatinsk include resolutions 52/169 M, 53/1 H, 55/44 and 57/101.

[2] A/57/256.

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Proposed programme budget for the biennium 2006-2007

Administration of Justice at the United Nations

Revised estimates to the proposed programme budget for the biennium 2006-2007 under sections 1, 8, 28A, 35 and income section I

Report of the Secretary-General**

Summary

In its resolution 59/283 of 13 April 2005, the General Assembly requested the Secretary-General to submit, for its consideration at its sixtieth session, a report on issues relating to different components of the administration of justice in the Secretariat, including formal and informal mechanisms of administration of justice and the United Nations Administrative Tribunal. The General Assembly, in the same resolution, also requested a thorough review of the internal justice system by a panel of external and independent experts to consider redesigning the system of administration of justice. The present report is submitted pursuant to that resolution.

The net expenditure requirements arising from the implementation of resolution 59/283 are estimated at $2,405,600 (net of staff assessment). Due to the timing of the adoption of the resolution, it was not possible to include the requirements for the activities detailed in the present report in the proposed programme budget for 2006-2007. In this respect, should the General Assembly agree with the proposals included in the report, the additional requirements of $2,405,600, representing the supplementary programme budget proposals for the biennium 2006-2007 under the terms of financial regulation 2.8, would need to be appropriated for the biennium 2006-2007.

* A/60/150.

** The present report is submitted in response to the request contained in resolution 59/283 and following respective consultations within the Secretariat.

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I. Introduction

1. The present report is submitted to inform the General Assembly of the additional activities and related budgetary requirements resulting from its resolution 59/283 adopted on 13 April 2005 at its resumed fifty-ninth session. In the resolution, the General Assembly requested the Secretary-General to submit, for its consideration at its sixtieth session, a report on issues regarding different components of the administration of justice in the Secretariat, including formal and informal mechanisms of administration of justice and the United Nations Administrative Tribunal. The General Assembly also requested a thorough review of the internal justice system through the formation of a panel of external and independent experts to consider redesigning of the system of administration of justice. This report addresses the above issues, except those pertaining to the Administrative Law Unit of the Office of Human Resources Management. The outcome of the review of the functions and responsibilities of the Administrative Law Unit and related recommendations are contained in a separate report (A/59/883).

II. Additional activities and relating resource requirements entailed by resolution 59/283

A. Office of the Ombudsman

2. Under the terms of paragraph 19 of resolution 59/283, the General Assembly requested that the Office of the Ombudsman continue and expand its outreach activities, in particular to local, national and General Service staff, in order to facilitate equal access and awareness-raising. In paragraph 20 of its resolution, the Assembly requested the Secretary-General to submit proposals for strengthening the Office of the Ombudsman through improved access to it for staff serving in different locations.

3. The Office of the United Nations Ombudsman was established within the Executive Office of the Secretary-General in 2002 by General Assembly resolutions 55/258 and 56/253 in order to provide the services of an impartial and independent person to address the employment-related problems of staff members. It was originally staffed by the Ombudsman, at the level of Assistant Secretary-General, for a non-renewable five-year term and by a legal officer at the P-4 level. At a later stage, the Assembly approved the establishment of a D-1 post for the biennium 2004-2005 under the regular budget, as well as a post for a case officer at the P-4 level, under the support account for peacekeeping operations. Since its inception in October 2002, a total of 1,163 staff members (138 in 2002, 405 in 2003, 420 in 2004 and 200 as at 31 May 2005) have sought the assistance of the Ombudsman's Office. Over 70 per cent of all cases closed had a resolution that was satisfactory to the staff member concerned.

4. The constituency of the Office is estimated at 27,600 staff worldwide, of whom approximately 25 per cent are located at Headquarters, 32 per cent at offices away from Headquarters and 43 per cent in field missions. Currently, the Office works on cases presented by almost 1.5 per cent of its total constituency each year. If the experience of ombudsman services in other international organizations is

replicated, this figure will continue to increase. While the response to the establishment of the Office has been extremely positive, its impact could be vastly improved by the development of regional outposts. Currently, 35 per cent of the cases are at Headquarters, with 44 per cent coming from offices outside New York and 21 per cent from peacekeeping missions.

5. In order to allow the Office to continue and expand its outreach activities in accordance with paragraph 19 of resolution 59/283, the proposed programme budget for the biennium 2006-2007 (A/60/6 (Sect. 1)) includes the continuation of the existing posts and the establishment of four new posts (one P-5 post for a Senior Conflict Resolution Officer, one P-3 post for an Information Advocacy and Outreach Officer and two General Service (Other level) posts).

6. With a view to further strengthening the Office of the Ombudsman to ensure improved access to it for staff serving in different locations, as requested by the General Assembly in paragraph 20 of resolution 59/283, and based on the outcome of the review and assessment of the activities of the Ombudsman by a team of experienced ombudsmen, it is proposed to create three Ombudsman branch offices, in Geneva, Vienna and Nairobi, headed by Chiefs. The post of Chief would be established at the D-1 level to allow the incumbent to have a dialogue at an appropriate level with senior management and to ensure the confidence of all staff. The incumbents would assist the Ombudsman in carrying out her functions and servicing the staff of the respective United Nations offices based in these duty stations and would be able to provide ad hoc assistance to staff in peacekeeping missions. One General Service (Other level) post would also be required for each branch office to provide support to the Chief. Adequate operational resources for each office (office automation equipment, general operating provisions and office supplies) would also be required.

7. Estimated costs for the six posts and related non-post requirements would amount to $945,400. The planned changes to the programme of work for the Ombudsman proposed for the biennium 2006-2007 (A/60/6 (Sect. 1)) and details on the additional resource requirements are contained in annexes I and II below. The additional resource requirements could not be absorbed from within the provisions included under section 1, Overall policymaking, direction and coordination, of the proposed programme budget for the biennium 2006-2007. **Adoption of this proposal would, therefore, entail additional requirements of $945,400 for appropriation under section 1 of the proposed programme budget for the biennium 2006-2007.**

B. Panel of Counsel

8. Under the terms of paragraph 25 of resolution 59/283, the General Assembly recognized the need to strengthen the Panels of Counsel by increasing the opportunity for training staff serving on the Panels on the United Nations Staff Regulations and Rules policies, procedures and precedents, aiming at strengthening legal advice and improving support for staff members submitting appeals. In paragraph 28 of the resolution, the Assembly encouraged the Panel of Counsel to increase outreach activities and requested the Secretary-General to consider the inclusion of travel costs in section 28A, Office of the Under-Secretary-General for Management, of the proposed programme budget for the biennium 2006-2007.

9. In addition to the New York Office of the Coordinator of the Panel of Counsel, the duty stations with existing Panels of Counsel are Geneva, Vienna and Addis Ababa. There are no established Panels of Counsel to assist staff members seeking representation in their appeals at Nairobi, Santiago, Bangkok and Beirut.

10. There is an urgent need to establish a Panel of Counsel at Nairobi, given the fact that a Joint Appeals Board is operational at that duty station but there is no legal assistance or counsel for staff with pending appeals or disciplinary cases. The Staff Union at the Economic Commission for Latin America and the Caribbean (ECLAC) has requested that the New York Coordinator visit Santiago to establish a Panel of Counsel, as two staff members who have been providing counsel to their ECLAC colleagues will be leaving the duty station shortly. The Staff Union at the Economic and Social Commission for Western Asia has made a similar request. The Coordinator of the Panel of Counsel in Vienna has also requested assistance from the New York Coordinator as there are difficulties in finding adequate Panel of Counsel membership. The Panel of Counsel Coordinator at the United Nations Office at Geneva has recently resigned. That function is temporarily carried out by the Secretary of the Joint Appeals Board, which may potentially lead to a conflict of interest. In the Economic Commission for Africa, a retired staff member is serving as a part-time Coordinator, but the membership of the Panel of Counsel is insufficient to adequately provide counsel for the number of cases received.

11. In accordance with paragraphs 25 and 28 of resolution 59/283, it is proposed that the New York Coordinator travel to seven duty stations, namely, Geneva, Vienna, Nairobi, Addis Ababa, Santiago, Bangkok and Beirut to assist local management in establishing Panels of Counsel where they do not exist or to revitalize existing Panels of Counsel and assist them in organizing their activities. A three to five day programme at each duty station would include training of staff serving on panels in the form of a series of seminars on applications of the Staff Regulations and Rules, policies, procedures, precedents and different recourse processes. The programme would also include interviews with individual staff members who wish to discuss their specific cases, recourse procedures and options or to become members of the Panel of Counsel, and follow-up meetings with both clients and counsel, with an emphasis on identifying and training counsel. In addition, a volunteer Coordinator/Focal Point and related infrastructure for the Panel of Counsel would be established in each duty station to allow them to function in situ and to facilitate outreach activities of the New York Coordinator.

12. The proposed changes to the programme of work of the Panel of Counsel for the biennium 2006-2007 (see A/60/6 (Sect. 28A)) stemming from the above proposals and details on the additional resource requirements are contained in annexes I and II below. Estimated costs for these seven visits would amount to $31,500. These additional requirements could not be absorbed from within the provisions included under section 28A, Office of the Under-Secretary-General for Management, of the proposed programme budget for the biennium 2006-2007. **Adoption of this proposal would entail additional requirements of $31,500 for appropriation under section 28A of the proposed programme budget for the biennium 2006-2007.**

C. United Nations Administrative Tribunal

13. Under the terms of paragraphs 36 and 37 of resolution 59/283, the General Assembly endorsed a proposal of the Secretary-General to transfer resources of the United Nations Administrative Tribunal (UNAT) from section 8, Legal affairs, of the proposed programme budget to section 1, Overall policymaking, direction and coordination, effective from the beginning of the biennium 2006-2007. The transfer of the resources already indicated in the proposed programme budget for the biennium 2006-2007 in the amount of $1,688,300, including four posts, is effected in the context of the present report.

14. By paragraph 46 of the same resolution, the General Assembly requested the Tribunal to review the rules, practices and procedures of similar tribunals with a view towards enhanced effective management of caseloads. Undertaking this review would involve obtaining and analysing the statutes and rules of the other tribunals, as well as recent jurisprudence from each tribunal. A detailed questionnaire would need to be drawn up and distributed and, upon receipt of responses, a comparative analysis would need to be drawn up.

15. Currently, UNAT has four posts, including a P-5 post for the Executive Secretary, a P-3 post for the Legal Officer and two General Service posts providing administrative and technical support. The continuation of these existing posts, complemented by general temporary assistance equivalent to the services of a P-2 post for five work-months to reduce the backlog of Tribunal cases and assist with peak workloads, is planned in the proposed programme budget for the biennium 2006-2007 (A/60/6 (Sect. 8)). All administrative and logistical functions related to UNAT are currently performed by the Executive Office of the Office of Legal Affairs. In order for UNAT to perform its functions in an independent manner and based on the provisions of paragraphs 36 and 37 of resolution 59/283, it would be necessary to transfer the entire activity from section 8 to section 1 of the programme budget and to establish a separate UNAT administrative office comprising one post for an Administrative Officer at the P-3 level and one General Service (Other level) post for an Administrative Assistant to deal with financial and personnel matters of the Tribunal secretariat and with the provision of logistical services and support to the Tribunal while it is in session.

16. It is also not possible with the Tribunal's current staffing resources to adequately carry out the new and additional functions outlined in paragraph 14 above. It is estimated that this undertaking would require additional resources of general temporary assistance equivalent to two months of staffing at the P-2 level. In addition, if the recommendations of OIOS are implemented, as outlined in document A/59/706, they would lead to an increase in the number of cases submitted to the Tribunal. In order to meet the expected additional workload, a provision for general temporary assistance equivalent to the services of a P-2 for a total of 12 work-months during the biennium would also be required.

17. The proposed changes to the programme of work of the secretariat of the Tribunal for the biennium 2006-2007 stemming from the above proposals are contained in annex I below. The estimated costs for the above activities would amount to $368,200 (for details see annex II below). These additional requirements could not be absorbed from within the provisions included under section 1, Overall policymaking, direction and coordination, or section 8, Legal affairs, of the proposed programme budget for the biennium 2006-2007. **Therefore, adoption of these proposals would entail additional requirements of $368,200 for appropriation under section 1 of the proposed programme budget for the biennium 2006-2007, in addition to a transfer of existing**

UNAT resources in the amount of $1,688,300 from section 8, Legal affairs, to section 1, Overall policymaking, direction and coordination

D. Review of the internal justice system

18. Under the terms of paragraphs 47 to 50 of resolution 59/283, the General Assembly decided that the Secretary-General should form a panel of external and independent experts to consider redesigning the system of administration of justice. The panel is to start its work no later than 1 February 2006 and to submit its findings and recommendations by the end of July 2006. The panel shall be composed of five members: a pre-eminent judge or former judge with administrative law experience, an expert in alternative dispute resolution methods, a leading legal academic in international law, a person with senior management and administrative experience in an international organization and a person with United Nations field experience. The General Assembly also outlined the terms of reference of the redesign panel, which would include a proposal for a model of a new system for resolving staff grievances in the United Nations that would be independent, transparent, effective, efficient and adequately resourced and that ensured managerial accountability. Furthermore, the model should involve guiding principles and procedures that clearly articulate the participation of staff and management within reasonable time frames and time limits.

19. The redesign panel shall consider the relevant resolutions of the General Assembly and receive and review information from all the relevant stakeholders regarding existing mechanisms for the administration of justice in the Organization. The panel shall also consult with United Nations staff, including individual staff members, the Staff Union and managers, in order to form an opinion as to how and why some aspects of the system function effectively while other aspects do not.

20. The redesign panel shall, in particular, consider alternative systems for resolving staff grievances by considering other models of organizational dispute resolution, while acknowledging the uniqueness of the United Nations system, in particular the immunity of United Nations staff from national laws and, thus, the lack of recourse to national courts. In proposing the model, the panel shall consider the value of creating an effective system for handling staff complaints that involves alternative forms of dispute resolution by which cases can be settled by mutual consent, such as mediation, conciliation, arbitration and/or an ombudsman. The panel shall also consider a peer review and identify proactive measures such as education and training that the United Nations can implement to minimize the number of disputes that arise.

21. The panel shall examine the functioning of the Office of the Ombudsman and, if needed, present models to provide services tailored to respond to the needs of the Organization, examine and develop the criteria to be used in the categorization of cases and review the functioning of the United Nations Administrative Tribunal and examine the further harmonization of its statute and that of the International Labour Organization Administrative Tribunal with a view to further professionalizing the United Nations Administrative Tribunal. The panel shall also examine the possibility of an integrated judicial system with a two-layer structure of first and second instance, taking into account existing structures and, finally, examine the legal representation of the Secretary-General in the system of administration of justice.

22. In order to be able to implement the mandate given to them by the General Assembly, it is estimated that the members of the redesign panel would need to be

supported and assisted by one legal consultant and two staff members (one post at a P-5 level and one General Service (Other level) post). The tasks of the support staff would include preparing briefings and written materials on all aspects of the Organization's internal system of justice; facilitating the panel's work by coordinating and organizing the official travel of the members; accompanying, as required, the panel members in their official travel to provide substantive and logistical assistance; taking and transcribing the minutes of meetings; undertaking research in the areas mandated by the Assembly; drafting and preparing documentation; and finalizing the panel's report. It is important to ensure that the redesign panel becomes fully operational immediately upon commencing its work so the staff supporting it would need to start work at least one month before the panel.

23. The changes to the work programme on the administration of justice proposed for the biennium 2006-2007 for the Office of the Under-Secretary-General for Management (see A/60/6 (Sect. 28A)) to reflect the activities of the panel are contained in annex I below. The estimated costs for the above activities would amount to $1,060,500, and would include remuneration ($474,900) and travel ($255,900) provisions for the five members of the redesign panel for six months, resources for legal consultancy ($104,800), general temporary assistance for the panel secretariat ($154,200), travel of the panel secretariat to accompany the members of the panel as required ($60,700), and communication expenses ($10,000).

24. These additional requirements could not be absorbed from within the provisions included under section 28A, Office of the Under-Secretary-General for Management of the proposed programme budget for the biennium 2006-2007. **Thus, adoption of this proposal would entail additional requirements of $1,060,500 for appropriation under section 28A of the proposed programme budget for the biennium 2006-2007.**

III. Summary

25. General Assembly resolution 59/283 would give rise to additional activities and resource requirements of $2,405,600, as detailed in annexes I and II and summarized in the table below.

Additional requirements for appropriation, 2006-2007
(United States dollars)

Section 1, Overall policymaking, direction and coordination	3 001 900
Section 8, Legal affairs	(1 688 300)
Section 28A, Office of the Under-Secretary-General for Management	1 092 000
Section 35, Staff assessment	237 700
Total expenditure requirements	**2 643 300**
Less income section 1, Income from staff assessment	237 300
Net additional requirements	**2 405 600**

IV. Conclusions and recommendations

26. **General Assembly resolution 59/283 would give rise to additional activities and net additional requirements of $2,405,600 under the following budget sections: section 1, Overall policymaking, direction and coordination ($3,001,900), and section 28A, Office of the Under-Secretary-General for Management ($1,092,000), partly offset by a reduction in requirements of $1,688,300 under section 8, Legal affairs. An additional amount of $237,700 would be required under section 35, Staff assessment, to be offset by an equivalent amount of income under income section 1, Income from staff assessment.**

27. **No provisions were made under sections 1 and 28A of the proposed programme budget for the biennium 2006-2007 to cover the estimated additional requirements in relation to the activities stemming from implementation of resolution 59/283. Consequently, a net additional provision of $2,405,600 is sought over and above the resources indicated in the proposed programme budget for the biennium 2006-2007, as supplementary programme budget proposals under the terms of financial regulations 2.8.**

28. **Should the General Assembly wish to take action as outlined in paragraphs 7, 12, 17 and 24 above:**

(a) **The additional activities detailed in annex I would be added to the programme of work proposed under sections 1 and 28A in the proposed programme budget for the biennium 2006-2007. Furthermore, the activities of the United Nations Administrative Tribunal programmed under section 8, Legal affairs, of the proposed programme budget for the biennium 2006-2007 would be transferred to section 1, Overall policymaking, direction and coordination, and reflected in section 1 as a separate and distinct activity;**

(b) **An additional net appropriation for 2006-2007 would be required for $2,405,600 broken down as follows:**

Section 1	**$3,001,900**
Section 8	**($1,688,300)**
Section 28A	**$1,092,000**
Total	**$2,405,600**

Annex I

Revised programmatic and budgetary proposals for the biennium 2006-2007 resulting from the implementation of resolution 59/283

Section 1
Overall policymaking, direction and coordination

(Additional resource requirements: $3,001,900)

	Resources (thousands of United States dollars)			*Posts*		
Component	*2006-2007 estimate*	*Change*	*Total*	*2006-2007 estimate*	*Change*	*Total*
Regular budget						
A. Policymaking organs	-	-	-	-	-	-
1. General Assembly	3 785.2	-	3 785.2	-	-	-
2. Advisory Committee on Administrative and Budgetary Questions (including its secretariat)	6 333.0	-	6 333.0	11	-	11
3. Committee on Contributions	411.2	-	411.2	-	-	-
4. United Nations Board of Auditors (including its secretariat)	5 896.6	-	5 896.6	6	-	6
5. United Nations Joint Staff Pension Board	9 479.9	-	9 479.9	-	-	-
6. Committee for Programme and Coordination	833.3	-	833.3	-	-	-
B. Secretary-General	2 297.8	-	2 297.8	-	-	-
C. Executive direction and management	-	-	-	-	-	-
1. Executive Office of the Secretary-General	24 731.1	-	24 731.1	87	-	87
2. Office of the Director-General, United Nations Office at Geneva	5 728.6	-	5 728.6	19	-	19
3. Office of the Director-General, United Nations Office at Vienna	2 426.9	-	2 426.9	10	-	10
4. Office of the Director-General, United Nations Office at Nairobi	870.6	-	870.6	3	-	3
5. United Nations Liaison Office at Addis Ababa	542.1	-	542.1	2	-	2
6. United Nations Office at Brussels	519.5	-	519.5		-	
7. Office of the Special Representative of the Secretary-General for Children and Armed Conflict		-			-	
D. Office of the Ombudsman	1 957.8	945.4	2 903.2	7	6	13
E. United Nations Administrative Tribunal (including its secretariat)		2 056.5	2 056.5	-	6	6
Subtotal	**65 813.6**	**3 001.9**	**68 815.5**	**145**	**12**	**157**
Extrabudgetary	22 230.4	-	22 230.4	11	-	11
Total	**88 044.0**	**3 001.9**	**91 045.9**	**156**	**12**	**168**

Component D
Office of the Ombudsman

1. The following modifications to the programme of work proposed for the biennium 2006-2007 (see A/60/6 (Sect. 1)) would be required:

In paragraph 1.73 (d), the following would be added at the end of the sentence: "including through establishment and operationalization of the Ombudsman branch offices at Geneva, Vienna and Nairobi".

	Resources (thousands of United States dollars)			*Posts*		
Component	*2006-2007 estimate*	*Change*	*Total*	*2006-2007 estimate*	*Change*	*Total*
Regular budget						
D. Office of the Ombudsman	1 957.8	945.4	2 903.2	7	6	13
Subtotal	**1 957.8**	**945.4**	**2 903.2**	**7**	**6**	**13**
Extrabudgetary	581.6	-	581.6	2	-	2
Total	**2 539.4**	**945.4**	**3 484.8**	**9**	**6**	**15**

2. The amount of $925,500 under posts would reflect resource growth in relation to the proposed establishment of one new D-1 and new General Service (Other level) posts in each branch of the Ombudsman at Geneva, Vienna and Nairobi. The non-post additional requirements of $19,900 relate to accommodation of the above new posts, including $10,300 for acquisition and replacement of office automation equipment, related equipment maintenance ($6,600) and supplies ($3,000).

Component E (new)
United Nations Administrative Tribunal (including its secretariat)

Resource requirements: $2,056,500

3. Paragraphs 8.25 and 8.26 are transferred from section 8, Legal affairs, to section 1, Overall policymaking, direction and coordination, and renumbered as paragraphs 1.77 and 1.78 respectively.

4. The following modifications in the proposed programme of work for the biennium 2006-2007 would be required:

(i) Insert the following text at the end of the first sentence of paragraph 1.78: "and review of the rules, practices and procedures of similar tribunals with a view towards enhanced effective management of caseloads".

(ii) Add a new paragraph 1.79, as follows:

"The administrative office of the Tribunal would provide services to the secretariat of the Tribunal in connection with personnel, budgetary and financial administration and use of common services, together with the relating administrative support to the Tribunal when it is in session".

Component	Resources (thousands of United States dollars)			Posts		
	2006-2007 estimate	Change	Total	2006-2007 estimate	Change	Total
Regular budget						
Post	-	1 147.0	1 147.0	-	6	6
Non-post	-	909.5	909.5	-	-	-
Subtotal	-	**2 056.5**	**2 056.5**	-	**6**	**6**
Extrabudgetary	-	-		-	-	
Total	-	**2 056.5**	**2 056.5**	-	**6**	**6**

5. The total new provision of $2,056,500 would comprise the requirements transferred from section 8, Legal affairs, in the amount of $1,688,300, including four existing posts, and the new requirements proposed in context of the present report ($368,200), including two more posts, as detailed in annex II below.

6. As regards the new requirements of $368,200, the amount of $231,000 under posts would reflect a resource growth in relation to the proposed establishment of one new P-3 post for the Administrative Officer and one General Service (Other level) post for the Administrative Assistant/Clerk in the context of setting up of a separate administrative office for the Administrative Tribunal. The non-post additional requirements of $137,200 comprise an additional general temporary assistance provision totalling $129,000 (equivalent to 14 work-months at the P-2 level) to accommodate the expected additional workload and to deal with the backlog of cases, and the requirements of $8,200, which would cover the operational needs of the administrative office, including acquisition and replacement of office automation equipment, general operating expenses and supplies, as detailed in annex II.

Section 28A
Office of the Under-Secretary-General for Management

(Additional resource requirement: $1,092,000)

Component	Resources (thousands of United States dollars)			Posts		
	2006-2007 estimate	Change	Total	2006-2007 estimate	Change	Total
Regular budget						
A. Executive direction and Management	2 805.4	1 060.5	3 865.9	8	-	8
B. Programme of work	-	-	-	-	-	-
1. Management services and Administration of justice	4 117.0	31.5	4 148.5	16	-	16
2. Secretariat of the Fifth Committee and the Committee for Programme and Coordination	1 327.4	-	1 327.4	5	-	5
Subtotal B	**5 444.4**	**31.5**	**5 475.9**	**21**	**-**	**21**
C. Programme support	3 723.9	-	3 723.9	17	-	17
Total	**11 973.7**	**1 092.0**	**13 065.7**	**46**	**-**	**46**
Extrabudgetary	5 314.9	-	5 314.9	54	-	54
Grand total	**17 288.6**	**1 092.0**	**18 380.6**	**100**	**-**	**100**

7. The following modifications to the proposed programme of work for the biennium 2006-2007 would be required:

In paragraph 28A.14, a new subparagraph (f) would be added, as follows:

"(f) Report of the panel of external and independent experts to the General Assembly at its sixtieth session on the outcome of review and redesign of administration of justice system of the Secretariat (2006);"

In paragraph 28A.25 (b), the following activities would be added:

"(vi) Training of members of Panels of Counsel at Geneva, Vienna, Nairobi, Santiago, Bangkok, Beirut and Addis Ababa on the United Nations Staff Regulations and Rules, policies, procedures and precedents and different recourse processes through conducting specialized seminars; intensified outreach activities of the Panels of Counsel through interviewing individual staff members, follow-up meetings with clients and counsel; and establishing a network of local focal points at each main duty station with a view to facilitating outreach activities of the Panels of Counsel."

Category	Resources (thousands of United States dollars)			Posts		
	2006-2007 estimate	Change	Total	2006-2007 estimate	Change	Total
Regular budget						
Post	11 297.6	-	11 297.6	46	-	46
Non-post	676.1	1 092.0	1 768.1	-	-	-
Subtotal	**11 973.7**	**1 092.0**	**13 065.7**	**46**	**-**	**46**
Extrabudgetary	5 314.9	-	5 314.9	54	-	54
Total	**17 288.6**	**1 092.0**	**18 380.6**	**100**	**-**	**100**

8. The amount of $1,092,000 would cover: (a) the costs associated with the activities of the panel of external and independent experts ($1,060,500), including remuneration of members of the panel, support services costs, consultancy and related operational costs, as detailed in annex II below; and (b) travel costs of the Coordinator of Panels of Counsel ($31,500) from Headquarters to the main duty stations for training of members of local Panels of Counsel and for outreach activities, as detailed in annex II.

Annex II

Additional resource requirements arising from General Assembly resolution 59/283 on administration of justice at the United Nations

(Thousands of United States dollars)

Section 1. Overall policymaking, direction and coordination		
Office of the Ombudsman		
Posts		
Geneva		
One D-1 post		235.9
One General Service (Other level)		128.1
Vienna		
One D-1 post		207.0
One General Service (Other level)		99.4
Nairobi		
One D-1 post		209.1
One Local Level post		46.0
Acquisition of office automation equipment		10.3
Maintenance of office automation equipment		6.6
Supplies		3.0
	Total	**945.4**
United Nations Administrative Tribunal		
Posts		
One P-3 post (Headquarters)		138.1
One General Service (Other level) post		92.9
General temporary assistance (equivalent to 14 months at the P-2 level)		129.0
General operating expenses, supplies and equipment requirements for the United Nations Administrative Tribunal Administrative Office		8.2
	Total	**368.2**
Subtotal (sect. 1)		**1 313.6**

Section 28A. Office of the Under-Secretary-General for Management

Panel of Counsel

Four missions covering seven cities for the purpose of creating new Panels of Counsel or strengthening existing ones:

Date	*Destination*	*Duration*	*Requirements*[a]
February 2006	Santiago	5 days	6.9
November 2006	Beirut	5 days	5.4
January 2007	Bangkok	4 days	5.0
May 2007	Vienna Geneva	4 days 3 days	5.9
November 2007	Addis Ababa Nairobi	3 days 4 days	8.3
		Total	**31.5**

Review of the internal justice system (redesign panel)

General temporary assistance		
Equivalent to seven months of one P-5 and one General Service (Other level) posts each		154.2
Consultants and experts		
Remuneration for five panel members for six months each (based on a base annual salary of $189,952 at the Under-Secretary-General level recruited for services of limited duration)		474.9
Remuneration for a legal consultant (to provide support functions)		104.8
Travel of panel members from home locations to Headquarters (based on three trips per expert)		104.1
Travel of panel members on mission to Geneva, Vienna, Nairobi, the United Nations Organization Mission in the Democratic Republic of the Congo and Santiago		151.8
Travel of staff		
Travel on mission to Geneva, Vienna, Nairobi, the United Nations Organization Mission in the Democratic Republic of the Congo and Santiago for 2 support staff		60.7
Communication expenses		10.0
	Total	**1 060.5**
Subtotal (sect. 28A)		**1 092.0**
Total		**2 405.6**

[a] Includes travel, daily subsistence allowance and terminal expenses.